DOCUMENT RESUME

ED 143 297	HE 009 298
TITLE	The Revised North Carolina State Plan for the Further Elimination of Racial Duality in Public Higher Education Systems, Phase II: 1978-1983.
INSTITUTION	North Carolina Univ., Chapel Hill.
PUB DATE	Aug 77
NOTE	195p.; Some pages not reproducible
EDRS PRICE	MF-$0.83 HC-$10.03 Plus Postage.
DESCRIPTORS	Access to Education; Administrative Personnel; Black Colleges; *Black Students; Enrollment; *Equal Education; Governing Boards; Higher Education; Integration Litigation; *Integration Methods; *Master Plans; Nondiscriminatory Education; Post Secondary Education; Racial Discrimination; *Racial Integration; *State Action; State Colleges; State Universities
IDENTIFIERS	*North Carolina; University of North Carolina

ABSTRACT

This document is an amendment to and extension of the "Revised North Carolina State Plan for the Further Elimination of Racial Duality in Public Post-Secondary Education Systems" (called the State Plan), which was submitted in response to actions of HEW in its capacity as defendent in the case Adams v. Califano. Sections of the report cover: definitions and commitments of duality and segregation; educational goals and objectives for the University of North Carolina; the missions of the traditionally black institutions in the University of North Carolina; and student enrollments in the University of North Carolina. Included in the latter category are discussions of increasing student integration in public higher education, assuring effective educational opportunities, and racial composition of staffs and governing boards as an influence on student enrollment patterns. (Author/LBH)

Documents acquired by ERIC include many informal unpublished materials not available from other sources. ERIC makes every effort to obtain the best copy available. Nevertheless, items of marginal reproducibility are often encountered and this affects the quality of the microfiche and hardcopy reproductions ERIC makes available via the ERIC Document Reproduction Service (EDRS). EDRS is not responsible for the quality of the original document. Reproductions supplied by EDRS are the best that can be made from the original.

ED143297

THE REVISED NORTH CAROLINA STATE PLAN FOR THE FURTHER ELIMINATION OF RACIAL DUALITY IN PUBLIC HIGHER EDUCATION SYSTEMS,

PHASE II: 1978-1983

BEST COPY AVAILABLE

HE009298

Board of Governors
The University of North Carolina
August 1977

U S DEPARTMENT OF HEALTH EDUCATION & WELFARE NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

THE REVISED NORTH CAROLINA STATE PLAN
FOR THE FURTHER ELIMINATION OF RACIAL DUALITY
IN PUBLIC HIGHER EDUCATION SYSTEMS,
PHASE II: 1978-1983

Adopted by
The Board of Governors
of
The University of North Carolina
August 22, 1977

THE UNIVERSITY OF NORTH CAROLINA
Board of Governors

WILLIAM A. JOHNSON
Chairman

August 22, 1977

The Honorable James B. Hunt, Jr.
Office of the Governor
Raleigh, North Carolina 27611

Dear Governor Hunt:

I have the honor to transmit to you, on behalf of the Board of Governors of The University of North Carolina, our recommended response to the Criteria sent to you on July 2, 1977, by Mr. David Tatel, Director of the Office for Civil Rights, Department of Health, Education, and Welfare.

These Criteria were filed on July 5, 1977, by the Office for Civil Rights in the action entitled Adams v. Califano, in the United States District Court for the District of Columbia. Thereafter, by letter dated July 29, 1977, the Director of the Office for Civil Rights furnished to you certain proposed amendments to the Criteria, which proposed amendments were also filed with the Court. It is our assumption that the Criteria as amended constitute the effective document to which North Carolina is required to respond under the terms of the Court Order of April 1, 1977, in Adams v. Califano.

The Board of Governors convened in a special meeting today and approved this Revised North Carolina State Plan for the Further Elimination of Racial Duality in Public Higher Education Systems, Phase II: 1978-1983. It is our understanding that the State Board of Education is meeting on August 31 to consider those parts of this Plan which pertain to the Community College System. These two elements will provide for you a comprehensive response on the part of the State to the Criteria given to North Carolina, and the other affected States, in accordance with the Court Order of April 1.

In preparing this response on the part of The University of North Carolina, President Friday met and consulted with the Chancellors of our 16 constituent institutions. Conferences were then held with the chief academic officers and the directors of admissions of all of our institutions, to receive their advice and counsel on the enrollment objectives we are asked to meet by HEW. President Friday and President Fountain, and members of their respective staffs, have worked closely together in developing this Plan on behalf of their respective institutions. Early in the process, both President Friday and President Fountain conferred also with the State Advisory Committee for Racially Non-Discriminatory Public Post-Secondary Education. Members of that State Advisory Committee,

THE UNIVERSITY OF NORTH CAROLINA *is composed of the sixteen public senior institutions in North Carolina*

the Chancellors of The University, and all members of the Board of Governors were given copies of drafts of this Plan earlier this month to solicit their further advice and comments.

I know that throughout this process President Friday has kept you informed of these activities and of the substance of the Plan that he was preparing for consideration of the Board of Governors. Thus, notwithstanding the limited time which we were given to prepare this Plan by the terms of the Court Order, there has been a sustained and effective effort to assure involvement on the part of representatives of all institutions of The University and to keep you and all interested parties informed of our deliberations.

This recommended State Plan, Phase II was considered at length by the Board of Governors' Committee on Educational Planning, Policies, and Programs at a special meeting on August 14. At the conclusion of that discussion, the Committee agreed, by unanimous vote of the members present, to recommend to the Board of Governors that the Plan be approved and transmitted to you as our recommended response. At a special meeting today, the Board of Governors considered this State Plan, Phase II, and approved it with one abstention and one dissenting vote.

This State Plan, Phase II is a positive response making important commitments on the part of the Board of Governors to work for the further elimination of racial duality in our University. We set out here goals to increase participation by black citizens of our State in our University, to increase the integration of the student bodies of all of our institutions, and to continue to strengthen our traditionally black institutions. It is our strong conviction that this is a Plan which more than meets any obligations we may have under Title VI of the Civil Rights Act of 1964. Even more important, it is our conviction that it is a Plan that contributes to the building of a more effective system of public higher education in the service of all citizens of North Carolina.

In keeping with this paramount goal of serving the higher education needs of all citizens, regardless of race, the Board of Governors has concluded that our Plan could not be one developed in accordance with all of the specifications contained in HEW's Criteria. The facts are that we have already met some of these Criteria, some of them set goals that are not feasible or educationally sound, and some of the Criteria would impede rather than promote our progress in eliminating racial duality. After years of litigation, and a succession of directives and guidelines from HEW and the Court, it remains the case that the State of North Carolina has never been told why it is deemed to maintain segregated systems of higher education, or why the 1974 State Plan, once sufficient to meet the mandates of Title VI, is now declared to be inadequate. Nor have we been told why the Criteria given us by HEW provide definitive guidance for compliance with Title VI, to the exclusion of alternatives that are, we believe, more sound in both legal and educational terms.

In a concluding section, the HEW Criteria "recommend" that "each state establish a biracial citizens advisory/monitoring committee to assist the state in monitoring the implementation of the plan." As you know, our 1974 State Plan provided for the establishment of the State Advisory Committee for Racially Non-Discriminatory Public Post-Secondary Education. This Committee consists of representatives of the public, of the Community College System, of The University, and of your office. It has met regularly since it was established, and it has been kept informed of our progress toward the goals set out in the 1974 Plan and of all our reports to HEW under that Plan. Its advice and assistance in the implementation of our Plan have been of great value, and, as I have said, its advice and assistance was sought in the development of this amended Plan. Therefore, it is our recommendation that this Committee be continued, and that it be asked to continue to serve in the advisory and monitoring role that it has fulfilled in the past.

In accordance with the request made of you by the Director of the Office for Civil Rights in his letter to you on July 2, the Board will continue its efforts to implement the 1974 State Plan until there is a response to this amended Plan. Further, over the course of the next two months we will develop numerical statements of the enrollment goals set out in Chapter IV of this Plan, for both our traditionally white institutions and our traditionally black institutions, as we define our five-year enrollment projections in revising our Long-Range Plan.

Finally, on behalf of the Board of Governors, I express to you our gratitude for your understanding and for the support you have given to us in this endeavor. We believe this is a Plan that does credit to our State, that meets all of our legal obligations, and that serves the interests of all citizens of North Carolina.

Cordially yours,

W. A. Johnson

William A. Johnson

THE UNIVERSITY OF NORTH CAROLINA
Board of Governors

On motion of Dr. Daniel, seconded by Mrs. McCain:

Be it resolved by the Board of Governors of The University of North Carolina:

1. The Revised North Carolina State Plan for the Further Elimination of Racial Duality in Public Higher Education Systems: Phase II, 1979-1983, is hereby adopted.

2. The Chairman is directed to transmit this document to Governor James B. Hunt, Jr., with the request of this Board that he approve and forward it, together with the corresponding plan of the State Board of Education with respect to the State Board of Education and his own statement, to the United States Department of Health, Education, and Welfare.

Adopted by the Board of Governors, August 22, 1977

THE UNIVERSITY OF NORTH CAROLINA
General Administration
P. O. BOX 2688
CHAPEL HILL 27514

WILLIAM FRIDAY
President

TELEPHONE (919) 933-6981

August 17, 1977

MEMORANDUM

To: Chairman Johnson and Members of the Board of Governors

From: William Friday W Friday

At the request of Dr. Daniel and the Committee on Educational Planning, Policies, and Programs, I am sending you an edited and corrected copy of The Revised North Carolina State Plan for the Further Elimination of Racial Duality in Public Higher Education Systems: Phase II, 1978-1983.

The Planning Committee met on Sunday, August 14, to consider this recommended response on the part of the Board of Governors to the HEW Criteria of July 5, as amended on July 29. The amended criteria are attached as an appendix.

By unanimous vote of the members present, the Planning Committee approved this document, and at your meeting on August 22 it will ask you to approve it for transmittal to the Governor. The enclosed report contains no substantive changes from the draft sent to you on August 10. It has been edited for clarity and for improvement in organization, as authorized by the resolution of the Planning Committee.

Attachment and
Enclosure

COMMITTEE ON EDUCATIONAL PLANNING, POLICIES, AND PROGRAMS

On motion of Mr. Hill, seconded by Mr. Jordan:

Be it resolved by the Committee on Educational Planning, Policies, and Programs:

1. The Revised North Carolina State Plan for the Further Elimination of Racial Duality in Public Higher Education Systems, Phase II: 1978-1983, is approved by this Committee and recommended to the Board of Governors for action on August 22, 1977.

2. The President is authorized to make such editorial changes in that document as he may find necessary in the interest of improved clarity and organization, and to transmit the corrected text to all members of the Board of Governors at least five days in advance of the August 22 meeting of the Board.

Adopted by the Committee, August 14, 1977

CONTENTS

INTRODUCTION 1

I. DUALITY AND SEGREGATION: DEFINITIONS AND COMMITMENTS 6

- A. Purpose 6
- B. Legal Premises 7
- C. Title VI, the HEW Criteria, and North Carolina's Plan . . 12

II. EDUCATIONAL GOALS AND OBJECTIVES FOR THE UNIVERSITY OF NORTH CAROLINA 17

- A. The Experience and Record of the 1974 State Plan 19
- B. The Long-Range Plan 22
  - 1. Extend the Benefits: Access to Higher Education . . 23
  - 2. Effectiveness and Efficiency: The Quality of Higher Education and the Economical Use of Resources 24
  - 3. The Review and Evaluation of Programs 26
  - 4. Studies of the Traditionally Black Institutions and of Remedial Education 28
- C. The Long-Range Plan and the State Plan 30
- D. Summary 33

III. THE MISSIONS OF THE TRADITIONALLY BLACK INSTITUTIONS IN THE UNIVERSITY OF NORTH CAROLINA 34

- A. The 'Disestablishment' Criteria 34
- B. Institutional Missions 38
  - 1. Generally 38
  - 2. Revisions 40
  - 3. Geographical Considerations 43
- C. Enrollments 47
- D. Strengthening the Role of the Traditionally Black Institutions 52
  - 1. Resources 54
  - 2. Enrollments and Program Offerings 56
  - 3. Deficiencies and Remedies 58

E. Program Duplication and the Placement of New Programs . . 65

F. Changes in Mission and Programs and General Reporting Requirements 67

G. Schedule for Implementation and Further Identification of Resources 68

IV. STUDENT ENROLLMENTS IN THE UNIVERSITY OF NORTH CAROLINA 70

A. Introduction 70

B. Increasing Participation of Black Students in Public Higher Education 71

1. Objectives 72

2. Efforts and Achievements to Date 77

3. Anticipated Additional Achievements 86

C. Increasing Student Integration in Public Higher Education 92

1. Objectives 92

2. Experience under the State Plan 92

3. The HEW Criteria and Student Integration 96

4. Projections of Student Enrollment, 1978-79 through 1982-83 104

D. Assuring Effective Educational Opportunities 110

1. Student Mobility 110

2. Institutional Steps to Assure Effective Educational Opportunities Without Impediments Based on Race . . . 112

3. Participation of Black Students in Graduate and Professional Education Within The University of North Carolina 115

E. The Racial Composition of Staffs and Governing Boards as an Influence on Student Enrollment Patterns 121

1. Objectives 121

2. Efforts and Achievements to Date 122

3. Anticipated Additional Achievements 127

V. CONCLUSION 131

APPENDIX

LIST OF TABLES

I-1 Numbers of Applications and Acceptances of North Carolina Residents by Level in The University of North Carolina, Fall 1975 Cohort (OCR 2000 B1) 9

II-1 Racial Composition of Total Headcount Enrollment in Constituent Institutions of The University of North Carolina, Actual Fall 1973 - Fall 1976 (1976 Projections) 20

III-1 Residence of Students Enrolled in The University of North Carolina, 1976 44

III-2 Geographic Origin of Undergraduate Students in The University of North Carolina, Fall 1976 45

III-3 Enrollments in the Traditionally Black Constituent Institutions, 1975-76 and 1980-81 49

III-4 Enrollments in the Traditionally Black Constituent Institutions, 1975-76 to 1978-79 50

III-5 Average Scholastic Aptitude Test Scores of Entering Freshmen, by Institution, 1976 61

IV-1 Comparative Ratios of North Carolina's Public Education Systems to Selected States and National Norms 78

IV-2 Degrees Conferred by Selected States by Level and Race, 1975-76 79

IV-3 Racial Breakdown of State Populations (1970), Public School Enrollment (1972), Post-Secondary Enrollment (Fall, 1976, Public 4-yr. Only) and Degrees Conferred (1975-76, Public 4-Yr.) 80

IV-4 Student Financial Aid in Selected Constituent Institutions of The University of North Carolina, 1975-76 85

IV-5 Racial Composition of Enrollment in The University of North Carolina, 1973 and 1976 105

IV-6 Projected Proportions of Total Minority Presence Students Enrolled in 15 Constituent Institutions of The University of North Carolina 109

IV-7 Ratio of Graduate and First Professional Students Enrolled in Constituent Institutions of The University of North Carolina, Fall 1976, Who Received Their Bachelor's Degrees from Constituent Institutions of The University of North Carolina, Compared to Bachelor's Degrees Awarded by The University, Academic Year 1975-76 118

INTRODUCTION

This document is an amendment to and extension of The Revised North Carolina State Plan for the Further Elimination of Racial Duality in Public Post-Secondary Education Systems (hereinafter referred to as the State Plan). That State Plan was submitted by the Governor of North Carolina to the United States Department of Health, Education, and Welfare (HEW) on May 31, 1974, and was approved by HEW on June 21, 1974.

The State Plan was prepared in response to actions of HEW in its capacity as defendant in the case Adams v. Califano (to use its current designation) in the United States District Court for the District of Columbia. The plan was designed for a four-year period ending June 30, 1978. It contained a commitment on the part of North Carolina to review that State Plan during 1978, to measure and assess its accomplishments and shortcomings, and in the light of that evaluation to prepare revisions and update the State Plan effective July 1, 1978.

That commitment is met in this document, The Revised North Carolina State Plan for the Further Elimination of Racial Duality in Public Higher Education Systems, Phase II: 1978-1983 (hereinafter referred to as the State Plan, Phase II).

The commitment to revise the State Plan is met here under a set of circumstances and within a schedule different from those anticipated in 1974 in the approved State Plan or indicated thereafter to the State by HEW in monitoring the implementation of the State Plan. These changes derive from recent developments in the litigation of Adams v. Califano and resulting actions taken by HEW.

In August, 1975, the plaintiffs in Adams v. Califano moved that the Court declare invalid the State Plan and the plans of other affected states, and that the Court order HEW to issue new, stringent directives and guidelines to the states for the preparation of new plans. During the period from the late summer of 1975 through the summer of 1976 representatives of the Office for Civil Rights had given North Carolina quite positive oral assurances about the validity of the State Plan and the State's progress in meeting the goals of that plan. From that juncture into early 1977, written communications from the Office for Civil Rights to North Carolina regarding the State Plan were purely perfunctory. Nonetheless, during the course of the Court's deliberations on the plaintiffs' motion late in 1976 and early in 1977, representatives of HEW repudiated the plans of North Carolina and the other states involved. The Court was told by counsel for HEW that the state plans "haven't worked;" and it was told in a deposition on January 13, 1977, by the then Director of the Office for Civil Rights that the plans lacked "standards of clarity and specificity" and that HEW should "get about the business of changing them or altering them."

Acting on these representations by responsible officers of the agency that had initially approved the plans, the Court issued an Order on April 1, 1977, that declared the State of North Carolina (in company with the states of Arkansas, Florida, Georgia, Oklahoma, and Virginia) has "not achieved desegregation" in its public higher education system and has "not . . . submitted acceptable and adequate desegregation plans . . . ." The Court thereupon ordered that:

> The Order provides 120 days for this Office to accept or reject the revised plans. Because this process may extend to the end of the calendar year, I am requesting that North Carolina continue to implement its existing plan, until we take final action on your revised plan [*i.e.*, *State Plan, Phase II*].

Therefore, since *State Plan, Phase II* may not be acted upon by HEW until the end of this calendar year, it has not been feasible or practical to develop a set of intended actions that could at that late date affect the plans and decisions necessarily already in effect for all areas of University and Community College operations for the academic year 1977-78. However, to the extent that *State Plan, Phase II* contains commitments, declarations of policy, and actions that would have been proposed, in the ordinary course of events, during the academic year 1977-78 and thus would have been part of the State's expected revision, those activities will be undertaken on that anticipated schedule, as indicated in specific instances hereafter. The terminal date of June 30, 1983, is one called for by the HEW *Criteria*.

Third, more than six years after the commencement of the *Adams* litigation, neither HEW nor the Court has told North Carolina why it is deemed to maintain racially "segregated" systems of higher education, beyond the fact that constituent institutions of The University have "racially identifiable" enrollment profiles. Furthermore, neither the Court nor HEW has explained wherein the formerly acceptable and approved *State Plan* is inadequate to meet the requirements of Title VI of the Civil Rights Act of 1964. Its "inadequacy" is a proposition asserted, not explained and defined. Nor do HEW's *Criteria* say why the once acceptable *State Plan* fails to comply with Title VI; rather, HEW simply asserts, again without explanation, that a plan drawn in accordance with the *Criteria* would not suffer from this affliction of inadequacy.

1. HEW promptly notify North Carolina and the five other States that their higher education desegregation plans were "not adequate to comply with Title VI of the 1964 Civil Rights Act."

2. Within 90 days, HEW transmit to the six States, and to the plaintiffs and the Court, "final guidelines or criteria specifying the ingredients of an acceptable higher education desegregation plan."

3. HEW require each State to submit a revised desegregation plan within 60 days thereafter.

4. HEW accept or reject each plan within 120 days thereafter.

5. The plaintiffs' representatives be afforded timely access to all submitted desegregation plans.

In accordance with the Order, HEW filed with the Court on July 5, 1977, a document entitled "Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Higher Education" (hereinafter referred to as the Criteria). These Criteria were amended by a filing with the Court dated July 30, 1977, and these amended Criteria are assumed to be the effective document to which the affected states are asked to respond. (Appendix 1, attached, is a full copy of the Criteria.)

In honoring its commitment made in 1974 to assess, revise, and extend forward its State Plan, North Carolina calls attention to these salient facts:

First, because of the schedule compelled by the Court's Order, the State has been deprived of almost a full year of the period originally anticipated to determine how best to continue progress toward the goals embodied in the State Plan.

Second, this State Plan, Phase II is designed for the period July 1, 1978 - June 30, 1983. Practical considerations dictate this, and those considerations are recognized in the letter from the Director of the Office for Civil Rights to the Governor of North Carolina on July 2, 1977. The Director wrote:

The Criteria repeatedly assert that an "acceptable" plan must "commit the state" to the goals and policies declared. This State Plan, Phase II is a commitment on the part of the responsible institutions, agencies and officers of the State of North Carolina to accomplish significant further reductions in racial identifiability within this State's public systems of higher education. For The University of North Carolina and its constituent institutions, the Board of Governors is the responsible agency; for the Community College System, the State Board of Education is the responsible agency. (Each institution in the Community College System is also an instrumentality of the government of the county in which it is located.) The Board of Governors and the State Board of Education have assumed responsibility for preparing, in concert, this State Plan, Phase II for their respective institutions. This State Plan, Phase II has been reviewed by the Governor of the State and is submitted by him on behalf of the State. Limitations on the authority of both boards, and on the authority of the Governor, are clearly established and defined in the Constitution and laws of North Carolina. Consistent with that Constitution and those laws, the Governor, the Board of Governors, and the State Board of Education commit to meet, on behalf of the State, and within the legal and practical limitations of their authority, the goals and objectives set forth herein.

I

DUALITY AND SEGREGATION:
DEFINITIONS AND COMMITMENTS

A. Purpose

The 1974 State Plan declared three basic goals for The University of North Carolina and the Community College System. Those basic goals retain their validity and they are here reaffirmed:

1. To increase the proportion of black citizens availing themselves of higher educational opportunities in the public systems of higher education;

2. To encourage further racial integration of the student populations of the public institutions of higher education; and

3. To insure that the quality of educational opportunities available to both black and white citizens is equally high.

The State of North Carolina, speaking through its Governor in the State Plan (Phase I) filed on May 31, 1974, committed to review and renew that State Plan prior to its expiration on June 30, 1978. This State Plan, Phase II honors that commitment. It builds on the progress made under the State Plan from 1974 to present, and it takes account of the difficulties and problems associated with the implementation of the State Plan. It is intended to assure significant, measurable further progress in the elimination of racial duality in the public institutions of higher education of North Carolina.

B. Legal Premises

The State Plan, Phase II is founded on a series of premises that were implicit in the State Plan but that were not in all instances expressly stated in that earlier document. Because these premises establish the context of, and define the legal foundations for, State Plan, Phase II, they are stated here:

1. Neither The University of North Carolina nor any of its constituent institutions, nor the State Department of Community Colleges nor any of the institutions of the Community College System, are today racially segregated systems or institutions of higher education.

The Community College System is of recent origin and has come into existence in the years after the abolition of *de jure* segregation of the races in all of public education in North Carolina. Although the State authorized cities and counties as early as 1927 to establish junior colleges, and State aid was given to local public postsecondary educational institutions beginning in 1953, the present Statewide Community College System, which includes the 20 community colleges and 37 technical institutes, is founded on the Community Colleges Act of 1963 (North Carolina General Statutes, Chapter 115A).

Although all but one of the public senior institutions of higher education in North Carolina (*i.e.*, the system of institutions that now constitute The University of North Carolina) were affected by *de jure* racial segregation,[1] racial segregation in this system has been dismantled over the last two decades, both legally and by the actual elimination of policies or practices of racial segregation.

---

[1] The North Carolina School of the Arts, a constituent institution of The University of North Carolina, was founded subsequent to the legal dismantling of the racially segregated system. This institution was chartered by the General Assembly in 1963 as a school for "the professional training . . . of talented students in the fields of music, drama, the dance, and allied performing arts, at both the high school and college levels of instruction . . . ." [North Carolina General Statutes, Chapter 116, Article 4.]

Amendments to the General Statutes enacted by the North Carolina General Assembly in June, 1957, removed race as a basis for the definition of the mission of any of the institutions. In 1971, the Constitution of North Carolina was amended to declare that

> No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin. [Article I, Section 19.]

Also in 1971, the General Assembly enacted the following statute governing employment by the State and its local governments:

> All State departments and agencies and all local political subdivisions of North Carolina shall give equal opportunity for employment, without regard to race, religion, color, creed, national origin, or sex, to all persons otherwise qualified. [General Statutes of North Carolina, Chapter 126-16.]

The Board of Governors of The University of North Carolina has enacted in The Code of The University of North Carolina the following provision:

> Admission to, employment by, and promotion in The University of North Carolina and all of its constituent institutions shall be on the basis of merit, and there shall be no discrimination on the basis of race, color, creed, religion, sex or national origin. [Code, Sec. 103.]

These precepts are enforced to the end that no black person is, on the ground of race, excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity of The University of North Carolina or the Community College System. The results of that policy can be empirically established, as Table I-1 demonstrates:

Table I-1

Numbers of Applications and Acceptances* of North Carolina Residents by Level in The University of North Carolina, Fall 1975 Cohort (OCR 2000 B1)

	All Institutions		Traditionally Black Institutions		Traditionally White Institutions	
	Applications	Acceptances	Applications	Acceptances	Applications	Acceptances
First-time Undergraduates						
Black	6612	4992	4711	3808	1901	1184
White	24903	18233	117	97	24786	18136
Undergraduate Transfers						
Black	1042	775	624	495	418	280
White	7546	5655	230	213	7316	5442
First Professional						
Black	224	69	59	30	165	39
White	1059	288	109	51	950	237
Graduate						
Black	812	466	299	273	513	193
White	3558	2133	211	191	3347	1942

---

*Acceptance means that admission was offered to the applicant. Obviously many students offered admission do not acutally enroll. Enrollment data are described in detail in Chapter IV.

With respect both to seeking and to gaining access to the public senior institutions, these data show that all institutions are in fact -- and are recognized by citizens of the State to be -- accessible to students without reference to race. They further point to the absence of racially discriminatory practices adverse to black applicants in admissions. Moreover, it is noteworthy that, in the fall of 1976, 25 per cent of the black students enrolled in institutions of The University of North Carolina (4,957 of 19,558) were enrolled in the traditionally white institutions. In the five traditionally black institutions, "minority presence" students accounted for 8.5 per cent of total enrollment. In the institutions of the Community College System in the fall of 1976, black students comprised 20 per cent of total enrollment.

2. Enrollment patterns in and of themselves do not demonstrate the existence of racial "segregation." The second premise of the State Plan, and of this second phase of that Plan, therefore, is that, while racial duality remains in The University of North Carolina, that phenomenon is distinctly different from racial segregation. Black citizens and white citizens do participate differently in The University with regard to both the extent and manner of their participation in its constituent institutions and programs, and do so in ways that reflect in part the formerly segregated pattern of higher education in this State. This is also indicated in Table I-1. The University properly must seek to end these differences, in ways that are possible and appropriate. Consistent with this responsibility, and in contrast to the elimination of alleged "segregation," the State Plan, Phase II represents exactly what its title says -- a plan for the further elimination of "racial duality."

3. This State Plan, Phase II embodies commitments and actions that fulfill all legal obligations of the State that are derived from Title VI of the Civil Rights Act of 1964 or from the equal protection clause of the 14th Amendment.

The University of North Carolina retains elements and characteristics of racial duality, but it is not racially segregated. The University here seeks both to meet whatever legal obligations may derive from that racial duality, and to go beyond those legal obligations where it is right and feasible to do so.

C. Title VI, the HEW Criteria, and North Carolina's Plan

As previously noted, this State Plan, Phase II has been developed under the constraints of the schedule imposed by the Court Order of April 1, 1977, and with appropriate attention to the substantive Criteria prepared by HEW in response to that Order. This discussion undertakes the essential task of relating this State Plan, Phase II to those Criteria in the context of the requirements of Title VI.

The University of North Carolina believes that the 1974 State Plan and this State Plan, Phase II constitute a legally sufficient response to the State's obligations under the law, and, indeed, that they embody a choice to do more than is required by law. It is the Board of Governors' considered judgment, therefore, that HEW can and should accept this State Plan, Phase II as a more than adequate response to any requirements of Title VI of the Civil Rights Act of 1964. The present posture of the *Adams* litigation and of administrative action thereunder is, however, first, that North Carolina's public systems of higher education stand accused of being legally segregated, and, second, that they are told that this alleged condition can be remedied only under the terms of the HEW Criteria.

The University of North Carolina, the Community College System, and the Department of Health, Education, and Welfare seek to assure compliance with Title VI of the Civil Rights Act of 1964. Title VI requires, in pertinent part, that

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Contrary to the circumstances that obtained in the former era of legally-mandated racial separation in public higher education, in The University of North Carolina and in the Community College System today no black person is excluded from participation, denied benefits, or subjected to discrimination in any part of any constituent institution on the basis of race. The University acknowledges, however, that Title VI requires more than the current absence of racially motivated exclusions, denial, or discrimination. If disadvantageous effects on current or prospective black students can be shown to derive from and persist because of _de jure_ segregation in The University or in its constituent institutions, The University must take affirmative remedial action to eliminate those disadvantageous effects insofar as it has the capacity to do so. Further, in taking such remedial action, it is acknowledged that some numerical measures may be appropriate as indicators of progress in accomplishing those actions. The _State Plan, Phase II_ addresses the task of further elimination of racial duality in public higher education -- whether caused by prior segregation or not -- and posits numerical measures of the State's success in these endeavors.

The racial duality that persists in The University of North Carolina has social and historical origins that at this date and for some time to come, can only with difficulty -- if at all -- be separated from prior _de jure_ segregation of the races in this State's institutions of higher education.[2] This _State Plan, Phase II_ here attempts to avoid prolonging the dispute over whether or where there is legal responsibility for such racial duality, by presenting commitments that will, it is believed, effectively address the further elimination of that duality.

---

[2] As was stated by the Court of Appeals concerning the _Adams_ case: "[W]e are also mindful that desegregation problems in colleges and universities differ widely from those in elementary and secondary schools, and that HEW admittedly lacks experience in dealing with them . . . . [T]he stark truth of the matter is that HEW must carefully assess the significance of a variety of new factors as it moves into an unaccustomed area." Adams v. Richardson 480 F. 2d 1159 at 1164 (D. C. Cir. 1973).

The ultimate goal is simply stated, though not easily achieved. As expressed in the 1974 State Plan and affirmed here, it is to eliminate racial self-consciousness from public higher education in this State so that individual students will no longer select constituent institutions based on racial considerations. Yet it must be acknowledged that racial self-consciousness among both white and black students has not yet fully run its course. Thus, for an indeterminate additional time it is essential to assure comparability of educational opportunity for all students in a context wherein some students will continue to choose traditionally white institutions and some will continue to choose traditionally black institutions in part because of the perceived racial identifiability of those institutions. The ultimate objective, to which the commitments of this document speak, is that North Carolina's citizens be concerned simply with pursuing educational opportunities, and not with attending institutions that are racially identifiable.

This State Plan, Phase II was written recognizing that HEW intends its Criteria to provide an understanding of Title VI's requirements and of the processes to be followed and the objectives to be sought in meeting those requirements. However, it remains the case that the Criteria fall short in accomplishing the intent, and that they incorporate assumptions and requirements that are inconsistent with the postulated objective. Nevertheless, very careful consideration has been given to the Criteria to the extent that their underlying goals may be inferred and that they appear to delineate clear legal obligations or to offer practicable means for reducing racial duality. The inescapable conclusion is, however, that the Criteria do not provide consistently appropriate or correct guidance.

First, some of the Criteria would require commitments by the Board of Governors or the State Board of Education in areas in which they have limited or no control, and in areas beyond the control of any agency of the State.

Second, some of the Criteria would require adherence to numerical measures of change in ways that do not correctly address whatever legal obligations the State may have under Title VI or whatever practical opportunities it may have to meet them. Here the Criteria reflect HEW's position that "racial identifiability" of the traditionally white institutions must be addressed as such, and done so by formulae, without an explanation of why racial patterns of various types should be replaced by other patterns or why such shifts in and of themselves represent meaningful attacks on the legacies of *de jure* segregation.

Third, some of the Criteria would require that considerations of race override all other considerations in making certain educational decisions in ways that exceed the mandate of Title VI.

Finally, it is noted that the Criteria contain a change in posture on the part of HEW vis à vis the traditionally black institutions. More directly than in the HEW directives issued for guidance in the preparation of the 1974 State Plan,[3] these Criteria indicate an intent to maintain and reinforce traditionally black institutions as such, even though it is the existence of racial duality that has been cited repeatedly by HEW as the basic indicator of non-compliance with Title VI.

---

[3] In a letter to Governor James E. Holshouser, Jr., in June, 1973, the Director of OCR wrote:

> As part of our evaluation of your submission, however, we have analyzed the movement of black students into

Therefore, this State Plan, Phase II, accepts some of the Criteria, and demonstrates that, in fact, North Carolina has already met some of the Criteria. However, some of the Criteria are not and cannot be accepted because they are legally unnecessary or educationally impracticable or defective, and because alternatives legally and educationally sounder exist and are adopted.

> traditionally white institutions, as well as the movement of white students into the traditionally black institutions. This analysis reveals that little progress has been made by North Carolina in its efforts to desegregate the higher education system of the State.

Thereafter, in the letter written by the Director of OCR to the Governor in November of 1973, calling for the preparation of the State Plan, the only specific numerical requirements with respect to racial change in student enrollment in The University institutions was that

> For the purpose of this analysis, we have adopted as an indicator of the elimination of the vestiges of discrimination in student assignment [sic] a percent of white students at predominantly black institutions equal to at least one-third of their student bodies, and as to each predominantly white institution in the System, the enrollment of significant numbers of black students at each such institution.

II

EDUCATIONAL GOALS AND OBJECTIVES FOR THE UNIVERSITY OF NORTH CAROLINA

The 1974 State Plan and this State Plan, Phase II apply jointly to The University of North Carolina and the Community College System. However, the structure and governance of The University are such that it conducts its activities differently from the Community College System in ways that are relevant to its commitments here, and thus merit separate attention.

The circumstances that prevailed in 1974 made it necessary to develop the State Plan for the Further Elimination of Racial Duality without the benefit and guidance of a completed long-range plan for The University of North Carolina, or an articulated planning mechanism and implementation procedure. There had not been sufficient time, in the interval from the assumption of its duties by the Board of Governors in July, 1972, to the end of May, 1974, for the Board to have prepared and adopted a comprehensive plan or to have defined a planning process. These needs have since been met. This fact, combined with the experience and knowledge gained in implementing the State Plan since 1974, means that the preparation and implementation of this State Plan, Phase II proceed from a more informed perspective, one providing a basis for greater clarity in the definition and statement of objectives and means.

This chapter briefly sets forth the basic goals of the State Plan, Phase II in the broader educational planning and policy framework that was established by the Board of Governors in Long-Range Planning, 1976-1981 (hereinafter referred to as the Long-Range Plan), in special planning studies that the Board has completed or has in progress at this time, and in the defined planning processes now operative in The University of North Carolina.

The following discussion of the basic goals defined by the Board of Governors in the Long-Range Plan, and of the educational planning procedures and standards defined in that plan, leads to two principal points that require emphasis here. First, the State Plan and the more comprehensive Long-Range Plan are interrelated and interdependent. Second, as declared explicitly in the Long-Range Plan, the effort to achieve the further elimination of racial duality is a specific element of consideration in all planning processes and decisions and is declared a special educational goal of The University of North Carolina.

A. The Experience and Record of the 1974 State Plan

During the three years of efforts completed under the 1974 State Plan, important goals have been attained. Black enrollment within The University has increased substantially, both absolutely and as a proportion of all University enrollments. The number and proportion of black students attending the traditionally white institutions have increased substantially, and the number and proportion of white students enrolled in the traditionally black institutions have also significantly increased. These changes, directly responsive to the first two basic goals reiterated above, are summarized in Table II-1.

Substantial progress has also been made in improving the quality of educational programs accessible to black and white citizens in all institutions. This is reflected in planning studies and in resource allocations provided by the Board of Governors in its budgetary decisions over these years that the State Plan has been operative.

Progress is also reflected in the completion of a special study of the traditionally black institutions and in a study of remedial educational programs in all institutions, and in substantial requests for and receipt of State appropriations in response to the needs identified therein.

A comprehensive data-gathering and reporting system for the entire University has been established, in accordance with the requirements developed by the Office for Civil Rights, supplementing The University's own information system.

These and other pertinent facts are catalogued in detail in the semi-annual reports filed by The University with HEW beginning January 31, 1975, and continuing through July 31, 1977. They are noted here to

Table II-1

RACIAL COMPOSITION OF TOTAL HEADCOUNT ENROLLMENT IN CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, Actual Fall 1973 - Fall 1976 (1976 Projections)

	1973 Actual				1974 Actual				1975 Actual				1976 Actual				Minority Presence 1976 Projections*	
Institution	Black	Other	Total	% Minority Presence	Black	Other	Total	% Minority Presence	Black	Other	Total	% Minority Presence	Black	Other	Total	% Minority Presence	Number	Per Cent
Elizabeth City	1,058	88	1,146	7.7%	1,143	123	1,266	9.7%	1,476	153	1,629	9.4%	1,506	145	1,651	8.8%	151	12.4%
Fayetteville	1,727	63	1,790	3.5	1,762	86	1,848	4.7	1,913	89	2,002	4.4	1,824	116	1,940	6.0	108	5.8
N.C. A and T	4,497	254	4,751	5.4	4,586	351	4,937	7.1	4,867	478	5,345	8.9	5,051	464	5,515	8.4	435	8.7
N.C. Central	3,738	324	4,062	8.0	3,996	395	4,391	9.0	4,442	312	4,754	6.6	4,314	451	4,765	9.5	555	12.8
Winston-Salem	1,594	59	1,653	3.6	1,857	105	1,962	5.4	1,912	161	2,073	7.8	1,906	188	2,094	9.0	101	5.9
5-School Total	12,614	788	13,402	5.9	13,344	1,060	14,404	7.4	14,610	1,193	15,803	7.5	14,601	1,364	15,965	8.5	1,350	9.6
Appalachian	131	7,414	7,545	1.7	178	7,836	8,014	2.2	222	8,319	8,541	2.6	218	8,343	8,561	2.5	159	2.1
East Carolina	340	9,728	10,068	3.4	390	10,951	11,341	3.4	547	11,178	11,725	4.7	700	10,996	11,696	6.0	411	4.0
N.C. School of the Arts	30	348	378	7.9	41	338	379	10.8	41	365	406	10.1	42	360	402	10.4	36	9.3
N.C. State	349	13,908	14,257	2.4	542	15,209	15,751	3.4	678	16,793	17,471	3.9	757	16,146	16,903	4.5	422	2.9
Pembroke	64	1,854	1,918	3.3	84	1,781	1,865	4.5	178	2,005	2,183	8.2	198	1,989	2,187	9.1	77	3.9
UNC-Asheville	33	1,092	1,125	2.9	40	1,086	1,126	3.6	51	1,076	1,127	4.5	55	1,444	1,499	3.7	41	3.5
UNC-Chapel Hill	985	18,411	19,396	5.1	1,198	18,754	19,952	6.0	1,363	19,173	20,536	6.6	1,281	19,012	20,293	6.3	1,290	6.5
UNC-Charlotte	319	5,804	6,123	5.2	409	6,247	6,656	6.1	544	7,026	7,570	7.2	584	7,231	7,815	7.5	386	6.1
UNC-Greensboro	380	7,476	7,856	4.8	460	8,299	8,759	5.3	628	8,830	9,458	6.6	745	8,988	9,733	7.7	460	5.7
UNC-Wilmington	79	2,463	2,542	3.1	131	2,719	2,850	4.6	168	3,141	3,309	5.1	182	3,191	3,373	5.4	95	3.6
Western Carolina	122	5,722	5,844	2.1	132	5,802	5,934	2.2	207	6,226	6,433	3.2	195	6,185	6,380	3.1	148	2.5
11-School Total	2,832	74,220	77,052	3.7	3,605	79,022	82,627	4.4	4,627	84,132	88,759	5.2	4,957	83,885	88,842	5.6	3,525	4.5
UNC Total	15,446	75,008	90,454		16,949	80,082	97,031		19,237	85,325	104,562		19,558	85,249	104,807			

*Projections were made in 1974

Note: Does not include Military Centers or any other extension (off-campus) enrollments.

underscore the importance, in the development of the State Plan, Phase II, of this body of experience and information gained in implementing the State Plan. That experience includes efforts that proved unsuccessful. For example, a program of faculty exchanges among traditionally black and traditionally white institutions that was projected in the 1974 State Plan received such limited response from the faculties that it is discarded.

B. The Long-Range Plan

The North Carolina General Assembly in October, 1971, enacted a far-reaching restructuring and reorganization of public senior higher education which took effect in 1972. That legislation and the constitutional and statutory framework of public higher education in North Carolina are described in detail in the 1974 State Plan (Chapter II), and it is not necessary to repeat them here.

It is important, however, to iterate here the basic purposes declared by the General Assembly in the preamble to the 1971 legislation:

> In order to foster the development of a well-planned and coordinated system of higher education, to improve the quality of education, to extend its benefits and to encourage an economical use of the State's resources, the University of North Carolina is hereby redefined in accordance with the provisions of this Article [North Carolina General Statutes, Section 116-1].

In April, 1976, the Board of Governors completed and adopted The University's first comprehensive long-range plan, and defined and enacted regular processes for the annual review and revision of that plan. Thus, there is now in being a definite and comprehensive process for planning and making educational policy decisions for all of the constituent institutions of The University. The goals and policies expressed in that Long-Range Plan establish the effective framework within which the further elimination of racial duality can be attained.

As re-stated by the Board of Governors in that Long-Range Plan, the basic goals of The University are (1) to provide greater access to higher educational opportunities for citizens of North Carolina (2) through a well-planned and coordinated system of higher education that is (3) effective and efficient and (4) responsive to special educational needs. The effort to achieve the further elimination of racial duality in The University is thus a part of a comprehensive set of plans and goals and a comprehensive planning process not in existence in 1974 when the State Plan was adopted. That effort, as defined in the State Plan, serves the Board's first three goals for The University and was also explicitly incorporated as a "special educational need." The goals declared in the Long-Range Plan are thus briefly described here as the context of the State Plan, Phase II.

1. Extend the Benefits: Access to Higher Education

To extend the benefits of higher education, it is the goal of the Board of Governors to provide needed opportunities for all citizens of North Carolina who have the aptitude, motivation, and desire to pursue programs of higher education. Attainment of this goal is necessarily constrained by the availability of resources. This constraint is particularly important in providing programs at the graduate and first professional levels, where higher costs and specialized facilities and other resources are required, but it necessarily applies also in certain areas of undergraduate education.

To assure this needed access to higher educational opportunity, the Board of Governors places reliance on a statewide system of 16 public senior institutions, each having a clearly defined educational mission; on a policy of low tuition to North Carolina residents attending these institutions; on programs of student financial aid (for which principal dependence is upon federal funding); on the design and maintenance of clearly defined guidelines and policies of articulation that facilitate student transfer; and on providing such off-campus extension credit instruction, continuing education, and other public service programs as can be offered at acceptable levels of quality within the limits of the resources available.

2. Effectiveness and Efficiency: The Quality of Higher Education and the Economical Use of Resources

Extending the benefits of higher education must be accomplished in the context of maintaining or improving the effectiveness, or quality, of educational programs. Higher educational opportunity must, in other words, pertain to educational outcomes or results as well as to its accessibility. Thus, effectiveness is doing the right things; efficiency is concerned with doing these things right. Specific measures and policies have been established by the Board of Governors relating to these basic goals.

The Board, as a part of the Long-Range Plan, has defined the educational mission of each institution in an Academic Program Plan. For each institution this Academic Program Plan specifies functions, projected enrollment levels, the basic academic organization, the degree programs authorized for the institution, and any new programs the institution is authorized to plan.

The Board of Governors has delegated to the Chancellor and Board of Trustees of each of the 16 constituent institutions responsibility for admissions standards; general oversight of academic programs that have been allocated to the institution; standards for the retention of students; standards to be met in fulfilling degree requirements; responsibility for recruiting, employing, and advancing non-tenured academic personnel; and responsibility for developing and administering tenure and other personnel systems consistent with The Code of The University and the policies of the Board of Governors.

Thus, the faculty, administration, and trustees bear immediate responsibility for -- and have in their control primary means of achieving -- high levels of performance on the part of the institutions they serve. While the Board of Governors does not avoid its own ultimate responsibility for the level of academic performance at each institution, it necessarily and properly looks to the administration, faculties, and trustees to assume major and immediate responsibilities in that respect.

All new programs must be approved by the Board of Governors. Because of this requirement, all are evaluated to determine whether each is needed, and whether the institution possesses the facilities, library, and faculty to offer an effective program. Consistent with the State Plan, this evaluation includes a racial impact consideration to inquire into the implications of program changes for the further elimination of racial duality. Program termination on the initiative of the institutions requires Board action after similar scrutiny.

Moreover, the Board of Governors has the authority to review all existing academic programs and activities in each of the constituent institutions from the standpoint of their need, quality, and productivity. Redundant, obsolete, and low-demand programs may be discontinued under procedures defined by the Board, and institutions may be required either to improve those of dubious quality or to phase them out. It is the objective of the Board that all institutions, and all academic programs that would benefit therefrom, meet relevant and appropriate accreditation standards, but accreditation is only one measure or index of qualitative standards applicable to the review and evaluation of degree programs.

The Board of Governors by statute must approve the appointment of all senior administrative officials in each of the 16 constituent institutions and all faculty personnel actions that confer permanent tenure. Basic standards for faculty tenure policies of each institution are defined in The Code of The University of North Carolina (Chapter VI), and the tenure regulations of each institution are subject to review and approval by the Board of Governors. This gives to the Board a responsibility to assure that able academic and administrative leadership is provided.

The Board of Governors has comprehensive budgetary authority, within the level of resources made available by the General Assembly. In exercising this authority, it is concerned primarily with improving the educational effectiveness and efficiency of each institution. The achievement and maintenance of accreditation, the preservation of the academic integrity of institutions, the fostering of high standards of scholarship and teaching, and the maintenance of academic standing in the higher education community are all factors that must influence budgetary decisions.

3. The Review and Evaluation of Programs

As pointed out, the Board of Governors has the responsibility not only to authorize new degree programs in the institutions, but also to review and evaluate existing programs. This latter activity has been initiated during the last year as a major element of long-range educational planning, and particular notice needs to be taken of it here.

A study of all baccalaureate-level programs in the discipline division of health professions will be completed and acted on by the

Board of Governors early in the fall of 1977.[1] This study, it is anticipated, will lead to specific actions that will result in improvements and expansions in certain programs, curtailments of some programs, and the discontinuation of other programs. Further, it is anticipated that the study will lead to the conclusion that manpower needs, the availability of clinical training resources, and general cost factors will all point to a basic decision that no new programs in the health professions be authorized for the foreseeable future.

Also, a review and evaluation of all teacher education programs in The University is in progress. In terms of numbers of programs, numbers of degrees conferred, numbers of faculty, and extensiveness of program offerings across all institutions, this is the largest single area of instructional activity in The University. This teacher education program review, which will also be completed and acted upon by the Board of Governors in the early fall of 1977, is also expected to lead to decisions to expand, re-direct, curtail, or eliminate certain degree programs, on the basis of the best assessment that can be made of program need, productivity, and quality.

This particular activity has added significance because of the increasing concern on the part of the State, and corresponding actions taken by the Governor, the General Assembly, and the State Board of Education, to strengthen public elementary and secondary education. This concern was underscored by legislation enacted by the 1977 General Assembly that directs the establishment of a statewide testing program, including the adoption of minimum high school graduation standards and the administration of a standardized test to all eleventh grade students in the public schools beginning in the fall of 1978.[2] It is further emphasized by the movement of the North Carolina State Board of Education and the State Department of Public Instruction toward establishing a minimum score on the National Teacher Examination and declaring that teacher education graduates scoring below that cutoff would neither be certified nor be employed in the public schools of North Carolina. The assurance of requisite levels of quality in its degree programs for the preparation of teachers for the public schools, and for in-service programs for teachers, is an important responsibility that must be met by the Board of Governors as a part of this general effort.

---

[1] Since a special study of nursing degree programs was made in 1975, these programs were excluded from this general health professions study.

These program evaluations in the health professions and teacher education will be followed by similar studies of programs in other discipline divisions. Such evaluations will henceforth comprise an especially important component of all of the Board of Governors' educational planning. They are particularly significant in view of the indications that, at best, limited new resources for the initiation of new degree programs will be available generally to the Board. Any new program needs for the immediate future must, therefore, likely be met by the re-allocation of resources within the institution concerned.

4. Studies of the Traditionally Black Institutions and of Remedial Education

In response to a specific commitment made in the 1974 State Plan, the Board of Governors in June of 1976 completed and acted upon a special study of the five traditionally black institutions.[3] That study is discussed at some length in Chapter III of this document. It is noted here because its findings pointed, inter alia, to a particular need for additional resources for remedial education programs, and for a review of remedial educational activities in The University. A special study therefore was made by the Center for Educational Research and Evaluation of the Research Triangle Institute under contract with The University, and was completed in the summer of 1977.[4]

---

[2] Chapters 522 and 541, North Carolina Session Laws of 1977.

---

[3] A Comparative Study of the Five Historically Black Constituent Institutions of The University of North Carolina (Chapel Hill: The Board of Governors of The University of North Carolina, 1976).

[4] Remedial Educational Activities of The University of North Carolina, 1976: A Special Report to The University of North Carolina General Administration (Research Triangle Park: Research Triangle Institute, 1977).

C. The Long-Range Plan and the State Plan

This brief discussion of the basic goals, standards, and processes defined by the Board of Governors in the Long-Range Plan points to the interrelationship and interdependence of the Long-Range Plan and the State Plan, Phase II. The effort to achieve the further elimination of racial duality is a specific element of consideration in all planning processes and decisions and is declared a special educational goal of The University of North Carolina. This latter declaration is made not only as a means of complying with legal requirements; more importantly, it is made because it is educationally and socially desirable.

North Carolina has special educational characteristics that necessarily are fundamental considerations in defining comprehensive educational goals and in developing specific measures for their attainment. The State consistently lags behind the national norm in its college-going rate for the general population, although not for black college-age students. It has an unusually high drop-out rate in its public schools, as compared with national patterns. The performance of its public high school graduates on the Scholastic Aptitude Test is consistently significantly below the national average.

These facts attest to the importance of the educational goals and policies declared in this State Plan, Phase II and in the Long-Range Plan. They also attest to difficulties that are faced by the Board of Governors, and by the State, in achieving these goals. Moreover, they serve to point to inherent limitations on the capabilities of the Board to achieve the educational goals it defines, however desirable those goals may be.

The limitation on new program resources has been noted. Also noteworthy is the fact that, in concert with the goal of extending the benefits of higher education and enhancing the college-going rate in North Carolina, the Board set five-year enrollment projections for each constituent institution in the Long-Range Plan. Those projections were not met for 1976-77. A total enrollment in regular session full-time equivalent students for the 16 institutions in 1976-77 of 95,910 was projected in the Long-Range Plan. Actual FTE enrollment in 1976-77 was 92,224. This experience has already made it necessary to reduce the projections made for 1977-78 and 1978-79, and its implications extend further into the future, as discussed in detail in Chapter III.

Further, despite contrary recommendations of The University, the 1977 General Assembly increased in-state tuition in all the constituent institutions by 10 per cent and out-of-state tuition by $100 across-the-board. A persistence of such a trend may further affect going rates. At the same time, the General Assembly increased by approximately 25 per cent the amount of State aid to private colleges and universities in North Carolina and their students. This policy of the State may have an impact on the ability of The University to meet the objectives of the Long-Range Plan and of this State Plan, Phase II, particularly in view of the fact that private higher education in North Carolina is also characterized by racial duality.

With respect to the goals of further elimination of racial duality, one final characteristic of North Carolina is noted. The ratio of traditionally black institutions to traditionally white institutions in The University of North Carolina -- a ratio of one to two -- is exceptionally high when compared with the other Adams states, and with those other states that maintained de jure segregation in public higher education that are not encompassed in the Adams case. The result is that there is a corresponding potential for a greater feeling by white and black students alike that the traditionally black institutions represent a system of education designed for this State's black citizens. The Board accepts this situation as one that it must seek to remedy insofar as it has the capacity to do so. The Board believes that its capacity to do so must be judged in light of the possibility that strengthening black institutions academically may attract blacks as well as whites to those institutions, and that this may affect adversely the traditionally white institutions' abilities to attract black students. The Criteria recognize that there are important differences among the states in the structure and characteristics of their public higher education systems. However, the Criteria fail to acknowledge the practical effect of these possible influences on attendance upon the Board of Governors' ability to secure, or to predict, continued increasing enrollment of black students at traditionally white institutions or of white students at traditionally black institutions. This issue is of greater import for North Carolina than for states whose formerly legally segregated systems of higher education provided more limited opportunities for their black citizens than did North Carolina's.

D. Summary

The Long-Range Plan is the effective, comprehensive statement of educational goals of the Board of Governors that defines the priorities and objectives of The University of North Carolina, and it defines the educational responsibilities and tasks of each constituent institution within a statewide framework. The Long-Range Plan is reviewed periodically by each institution and by the Board, and on the basis of that review and of associated special planning studies and program evaluations, it is subject to periodic revision in response to changing needs and circumstances. The commitments and goals of the State Plan, Phase II, and the means of their attainment, are thus developed in the chapters that follow within this larger framework.

III

THE MISSIONS OF THE TRADITIONALLY BLACK INSTITUTIONS IN THE UNIVERSITY OF NORTH CAROLINA

This Chapter is principally concerned with actions taken and commitments made by the Board of Governors to strengthen the traditionally black constituent institutions. These actions and commitments are discussed in the context of the Long-Range Plan and of a subsequent special planning study adopted by the Board of Governors in June, 1976, entitled A Comparative Study of the Five Historically Black Constituent Institutions of The University of North Carolina (hereinafter referred to as the Comparative Study). The discussion proceeds in the recognition of significant services these institutions have rendered to the State and continue to render today. The issue this State Plan, Phase II is called upon to address here, however, is the strengthening of these institutions, and accordingly, the discussion here necessarily focuses on deficiencies, not on strengths and contributions. Specifically, it addresses several aspects of the traditionally black institutions that are enumerated in Section I of the HEW Criteria, entitled "Disestablishment of the Structure of the Dual System." It is essential to point out again here that The University does not accept the allegation of racial segregation implicit in this title.

A. The 'Disestablishment' Criteria

The University rejects the concept that this title represents -- i.e., that the "disestablishment" of a "structure" of a "dual system" somehow has meaning independently of whether students are segregated within The University, a subject separately addressed in Section II of the Criteria. Rather, The University recognizes, first, that some of its institutions have been, and are today, attended principally by white students and some principally by black students; and, second, that the means for assuring increased integration in these institutions and more effective educational opportunities within them may differ in some respects, at least for the present, for the traditionally black and traditionally white institutions as groups. This chapter is concerned with the traditionally black institutions; and, notwithstanding the inclusive title of Section I of the Criteria, they are in fact that Section's sole concern.

It is noted also that, in expressing this exclusive concern with the traditionally black institutions in a section called "disestablishment of the structure of the dual system," the Criteria here call for certain priorities and principles to be followed in making educational decisions, and for certain notice and reporting requirements, that bear directly upon matters of University governance. Implicit in these parts of the "disestablishment" section is the proposition that for the indefinite future the racial identifiability of institutions in terms of their student enrollments be a dominant, if not the overriding, consideration in making educational decisions in The University. That principle is neither necessary nor appropriate to achieve the further elimination of racial duality.

Two observations in the Criteria that are apparently related to the purposes of the "disestablishment" section are particularly noteworthy. The Criteria say that an "acceptable state plan" shall be one in which the effects of past discrimination are overcome and "students will be attracted to each [constituent] institution on the basis of educational programs and opportunities uninhibited by past practices of segregation." [Criteria, p. 17] The Board of Governors, as already stated, fully supports and concurs in that goal. Further, the comment of the Court of Appeals in its ruling in the Adams litigation that the traditionally black institutions "currently fulfill a crucial need and will continue to play an important role in Black higher education,"[1] a comment that the Criteria cite approvingly, is clearly applicable to North Carolina. This chapter describes that role, in the context of the ultimate objective of eliminating racial duality.

The full text of the amended Criteria is given in Appendix 1 of this State Plan, Phase II.[2] For present purposes, therefore, a brief summary of the "disestablishment" Criteria is sufficient.[3]

These Criteria, first, call for definitions of institutional missions on a basis other than race, and require that each mission statement specify the authorized degree programs, the size of student body and "staff," and the geographical service area of each institution. An "acceptable plan," second, must then "specify" those steps that will strengthen the role of the traditionally black institutions, including commitments that will: (1) assure their having programs and other resources "at least comparable to those at traditionally white institutions having similar missions"; (2) assure improvements necessary for fulfilling their assigned missions (in such areas as physical plant, programs, research equipment, financial support, and faculty and staff services), including an assessment of their physical plant; and (3) define the resources to be supplied (in terms of dollars and personnel) by the State to attain the foregoing, along with annual reports to HEW on the steps that have been taken.

---

[1] 480 F. 2d 1159, 1164-1165 (D.C. Cir., 1973) as quoted in the Criteria, p. 13.

[2] See pp. 141 et seq.

[3] Pp. 17-21 of the amended Criteria.

Third, the State is asked to identify existing degree programs and course duplication (excepting "core curricula") among traditionally black and traditionally white institutions in the "same service area." It is asked to commit itself to eliminate such duplication, but to carry out such actions "consistent with the objective of strengthening the traditionally black colleges."

Fourth, "priority consideration" is to be given to placing new degree programs, whether undergraduate, graduate or professional, "at traditionally black institutions, consistent with their missions."

The State is to commit itself, fifth, to make no changes in the operation of public higher education that might run contrary to the attainment of "desegregation goals." Apparently in the service of this objective, the Criteria then indicate certain notice and reporting requirements. The State is called upon to advise HEW of any proposed "major changes in the mission or character of any institution" that could "directly or indirectly affect the achievement of its desegregation goals . . . ." This notice is required prior to the taking of any action effecting such "major changes." The meaning and intent of such major changes, as shown by examples, are said to "include but are not limited to the establishment or major expansion of new programs of study,[4] of departments or institutions; the alteration of two-year to four-year institutions; the conversion of a private to a public institution, or the closing or merger of institutions or campuses."

---

[4] Since 1972, the Board of Governors has approved the establishment of 82 "new programs of study," if that phrase is synonymous with "new degree programs."

Finally, the section requires timetables for achieving the postulated goals by not later than the end of the 1981-82 academic year (with interim "benchmarks and goals"), unless compelling justification for a longer time is offered to and accepted by HEW; and it calls for a commitment from "the state and all its involved agencies and subdivisions to specific measures for achievement of the above objectives."

As a prelude to the discussion of the traditionally black institutions, and to a response to these Criteria, it is necessary to describe in general terms the definition of institutional missions in The University and policies and recent experiences relating to enrollment levels.

B. Institutional Missions

1. Generally

In the Long-Range Plan, the Board of Governors adopts for each constituent institution an Academic Program Plan that provides a clear statement of the mission of the institution. No institution has its mission defined in terms of race. As already pointed out, such a definition would be contrary to the Constitution and laws of North Carolina, and to The Code of The University. These are facts known by HEW from the years of communication and reporting under the State Plan.

The academic program plans, as a primary component of the Long-Range Plan, incorporate a descriptive classification system for institutions that parallels such systems commonly utilized across the nation. Institutions are classified as follows:

a. Major Research Universities -- These are institutions which awarded more than 50 doctor's degrees, and received more than $10 million in federal obligations to support research and development in the last fiscal year. Two institutions are in this category: The University of North Carolina at Chapel Hill and North Carolina State University at Raleigh.

b. Other Doctoral-Granting Universities -- These are institutions which awarded doctoral degrees in the most recent year. One institution is in this category: The University of North Carolina at Greensboro.

c. Comprehensive Universities -- These are institutions which are authorized to award degrees at both the baccalaureate and master's level. There are six institutions in this category: Appalachian State University, East Carolina University, North Carolina A & T State University, North Carolina Central University, The University of North Carolina at Charlotte, and Western Carolina University. Two of these six institutions also offer one program each at the first professional level: East Carolina University in medicine and North Carolina Central University in law.

d. General Baccalaureate Universities -- These are institutions authorized to award degrees at the baccalaureate level in arts and sciences discipline divisions and in some professional areas. There are six institutions in this category: Elizabeth City State University, Fayetteville State University, Pembroke State University, The University of North Carolina at Asheville, The University of North Carolina at Wilmington, and Winston-Salem State University.

e. Specialized Institutions -- This category includes the North Carolina School of the Arts, which offers programs at both the secondary and the baccalaureate levels only in the performing arts.

Two of the traditionally black institutions are comprehensive universities: North Carolina A & T State University and North Carolina Central University. Three of the traditionally black institutions are general baccalaureate universities: Elizabeth City State University, Fayetteville State University, and Winston-Salem State University.

Within this classification framework, which defines the general boundaries of institutional missions by the levels of degrees that institutions are authorized to confer, the Academic Program Plan then includes, for each institution: (1) the basic academic organization (i.e., colleges and professional schools, or other principal academic units); (2) all degree programs currently authorized; (3) any new degree programs authorized for planning; and (4) authorized enrollment projections (in regular session full-time equivalents) over a five-year period. Each year each institution may submit proposed revisions in its educational mission, including proposals to plan new programs or proposals to discontinue programs.

2. Revisions

Revisions in the Long-Range Plan, making projections for the period 1977-1982, will be acted on by the Board of Governors in the fall of 1977. It had been intended to act on these revisions during the summer of 1977, so that they would be effective by the beginning of the academic year 1977-78. The schedule imposed for the preparation of this State Plan, Phase II has precluded that sequence. Discussions of institutional missions and programs in the State Plan, Phase II thus exclude actions that will be taken in revising the Long-Range Plan, including the results of the special studies of health professions programs and of teacher education programs, and the development of new five-year enrollment projections.

Forthcoming revisions in the Long-Range Plan in 1977, or in the remainder of this decade, are not expected to call for major changes in institutional missions (i.e., in the Academic Program Plan) that will place institutions into different categories, except as noted hereafter.

North Carolina has no need to create any additional "major research universities," nor is there any prospect that there will be resources available to sustain such an action. A significant addition is contemplated in the Academic Program Plan of one of the major research universities. The establishment of the School of Veterinary Medicine at North Carolina State University at Raleigh would have important consequences for its instructional and research programs. The timing of this action is uncertain, since the North Carolina General Assembly, while endorsing such an action, has not appropriated the funds required to initiate the School.

It is contemplated, however, that over the course of the next several years East Carolina University will move from the group of "comprehensive universities" to the group of "other doctoral-granting universities" for a limited and specific purpose. In association with the development of an accreditable program in medical education at the East Carolina University School of Medicine, the establishment of Ph.D. programs in some of the basic medical sciences is anticipated. The development of this School of Medicine has its origins in legislative actions taken in 1965, 1967, 1969, and 1971. Additional legislation passed in 1974 specifically directed that the development of the School include "special efforts . . . to encourage the recruitment and medical education of racial minorities."[5]

---

[5] Chapter 1190, North Carolina Session Laws 1973 (1974 Session).

With the exception of the doctoral programs contemplated for East Carolina University, the Board of Governors has stated that no planning authorizations for doctor's degree programs will be given to institutions not now authorized to offer the doctorate, and that in those institutions now authorized to confer the doctor's degree planning authorization for new programs at this level will be given "only when there is compelling evidence of need."[6] The restrictive policies adopted by the Board of Governors in this regard parallel those national policies that have led to a steady decline in federal support of doctoral training.[7]

Other major changes in institutional missions are not now contemplated. It is possible that limited program authorizations will be given to some baccalaureate-level institutions over the next five years for meeting particular educational needs at the master's level. These authorizations would have a regional focus, in that they would be given for the purpose of providing programs for elementary and secondary teachers and administrators at the master's level, especially in the southeast and northeast quadrants of the State where there are now no graduate-level institutions or programs. The University of North Carolina at Wilmington has been authorized to establish two master's programs in education beginning in the 1977-78 academic year, principally designed for in-service training of public school personnel in the southeast region. Such needs may also be met by regional resident graduate centers, involving inter-institutional cooperative arrangements. Such a center is being considered at this time in the Fayetteville area, where it would be based at Fayetteville State University and would involve cooperative arrangements between that institution and one or more institutions offering a considerable range of programs at the master's level.

---

[6] Long-Range Plan, p. 333.

[7] The Deputy Assistant Secretary for Educational Policy Development was recently reported as having said, for example, that the kind of support given to graduate education in the 1950's and 1960's is definitely at an end (a fact abundantly clear) and that the present federal role, divided among several agencies, "will remain poorly articulated for the foreseeable future." See Higher Education Daily, July 1, 1977, p. 5.

The limited availability of resources for new program activity will be an important element in selecting between these approaches to providing additional master's-level instruction.

3. Geographical Considerations

The *Criteria*, in referring to definitions of institutional missions, speak of the "geographic area served by the institution." As stated in the *Long-Range Plan*, no constituent institution has a geographically-limited educational role declared by the Board of Governors or its Board of Trustees. Each institution admits students from all regions of the State and from other states. Table III-1 indicates this in presenting the geographical origins of students enrolled in the fall of 1976.

Nonetheless, the institutions vary considerably in the extent to which they are attended by students from their immediate regions. This is shown in the distributions depicted in Table III-2. These variations are the result of such factors as program availability (*e.g.*, only three institutions offer baccalaureate programs in engineering), the availability of student housing, the location of institutions, and the particular choices of individual students on the basis of their personal preferences and circumstances.

Among the 16 institutions, regular session enrollment from county of location and adjacent counties in the fall of 1976 ranged from a low

Table III-1

Residence of Students Enrolled in The University of North Carolina, 1976

Institution	Fall 1976 Headcount Enrollment	Total N.C. Residents	Number of N.C. Counties Represented	Out-of-State Students*
Appalachian State University	8,561	8,024	100	537
East Carolina University	11,696	10,536	92	1,160
Elizabeth City State University	1,651	1,488	69	163
Fayetteville State University	1,940	1,764	73	176
North Carolina A & T State University	5,515	4,661	72	854
North Carolina Central University	4,765	4,288	82	477
North Carolina School of the Arts**	576	289	44	287
North Carolina State University-Raleigh	16,903	14,595	100	2,308
Pembroke State University	2,187	2,142	63	45
UNC-Asheville	1,499	1,454	47	45
UNC-Chapel Hill	20,293	15,973	100	4,320
UNC-Charlotte	7,815	7,522	82	293
UNC-Greensboro	9,733	8,872	94	861
UNC-Wilmington	3,373	3,215	81	158
Western Carolina University	6,380	5,882	96	498
Winston-Salem State University	2,094	1,941	80	153

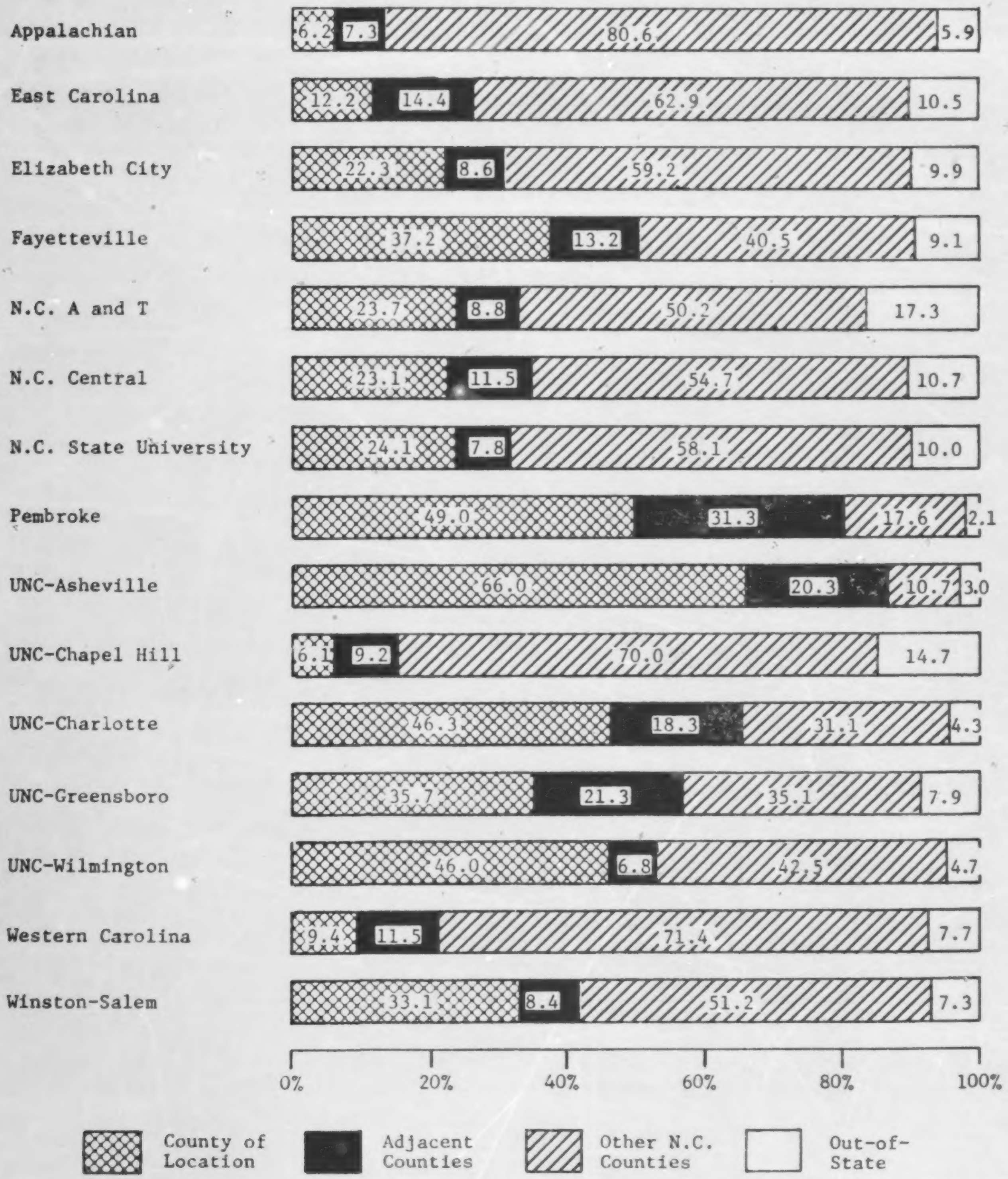
---

*This category includes 1,204 foreign students.

**Includes high school enrollment.

Table III-2

Geographic Origin of Undergraduate Students in The University of North Carolina, Fall 1976



of 13 per cent at Appalachian State University to a high of 86 per cent at The University of North Carolina at Asheville. For the traditionally black institutions, the corresponding percentages were 31 per cent for Elizabeth City State University, 50 per cent for Fayetteville State University, 33 per cent for North Carolina A & T State University, 34 per cent for North Carolina Central University, and 42 per cent for Winston-Salem State University.[8]

The data cited above refer to regular session enrollment: *i.e.*, to the on-campus enrollment of students in degree programs during the fall and spring semesters, and it is this enrollment to which the foregoing data apply. The data exclude summer session enrollment and off-campus enrollment for course or degree credit. The State provides only limited appropriated support for summer school instruction. Off-campus instruction for degree credit -- *i.e.*, extension credit instruction -- is, as a matter of State policy, largely supported from student receipts, and students enrolled in such programs therefore are not counted as part of the institution's enrollment for general budget purposes.

Extension credit instruction is, however, a significant component of the educational mission of The University of North Carolina, especially in serving the non-traditional college-age population. In connection with this major instructional effort, the 1977 revision of the *Long-Range Plan* will include a special study now in progress of extension credit instruction (as well as other extension activities not for degree credit). This study will establish the basis for clearer definitions of institutional missions in this area in the Academic

---

[8] See *Statistical Abstract of Higher Education in North Carolina, 1976-77* (Chapel Hill: The University of North Carolina, Research Report 1-77, 1977), pp. 7, 161-162.

Program Plan, thus assuring that there is no unnecessary duplication of extension credit program efforts in the same service region among institutions. For extension credit instruction, therefore, regional service areas will be defined as appropriate, and in a manner consistent with the objective of further eliminating racial duality.

C. Enrollments[9]

As noted earlier, projections of enrollments over a five-year period are an element of the Long-Range Plan for The University as a whole and for each institution specifically. The matter of college-going rates, and the projection of enrollment objectives by racial characteristics, are treated in Chapter IV of this State Plan, Phase II. In response to elements of the "disestablishment" Criteria, overall enrollment projections for the five traditionally black institutions are discussed here. This discussion establishes also an important framework for the response in Section D of this Chapter, pertaining to resources, programs, and improvements at these institutions.

In 1975 the Board of Governors studied enrollment trends as a part of its general planning effort.[10] On the basis of that research study, and an analysis of subsequent application and enrollment experiences, five-year enrollment projections were then made for the period 1976-1981 in the Long-Range Plan. For The University of North Carolina, the projection made was for a growth in enrollment from an actual enrollment of 92,253 average annual, regular session, full-time equivalent students (FTE's) in 1975-76[11] (104,221 headcount) to 109,474 FTE's (124,431 headcount) in 1980-81. These estimates were made in conjunction with the effort of the Board of Governors to increase generally the college going-rate in North Carolina. In 1975, for the 18-21 year age group the ratio was .38, and the projections, if realized, would have increased this to an estimated .44 by 1980. (These compare with a national ratio for this population of .56 in 1975.) The estimates were also made in the context of a time of realized enrollments that were significantly higher than the levels anticipated and for which The University was budgeted. In 1974-75, budgeted enrollment had been 82,455 FTE's, as compared with an actual enrollment of 86,678 FTE's; and in 1975-76 budgeted enrollment had been 86,575 FTE's as compared with an actual enrollment of 92,253 FTE's. These unexpected surges in enrollments during these years were a national phenomenon.

---

[9] The discussion of enrollments in this section is concerned exclusively with regular session, on-campus enrollment. It does not include either summer session or extension enrollments.

[10] College Enrollments and Projections in North Carolina, 1975-80 (Research Report 2-75. Chapel Hill: The University of North Carolina, 1975).

The Long-Range Plan estimates thus projected an enrollment growth of 18 per cent for The University (in average annual FTE's). For the five traditionally black institutions, the projection was for an increase of 25 per cent, as shown in Table III-3.

University enrollments have not met the goals established in the Long-Range Plan. Actual enrollments in 1976-77 were 92,224 FTE's, rather than 95,340. Estimates for 1977-78 and 1978-79 were thus reduced in the preparation of the 1977-79 Budget Request of the Board of Governors.

---

[11] At the time of the drafting of the Long-Range Plan, the estimated FTE enrollment for 1975-76 was 92,451, but the year end budget reports showed 92,253.

Table III-3

Enrollments in the Traditionally Black Constituent Institutions, 1975-76 and 1980-81

Institution	1975-76 Enrollment*	1980-81 Enrollment Projected in 1976-81 Long-Range Plan
Elizabeth City State University	1,548 (1,560)	1,860
Fayetteville State University	1,990 (1,947)	2,260
North Carolina A & T State University	4,715 (4,751)	6,270
North Carolina Central University	4,359 (4,323)	5,730
Winston-Salem State University	1,886 (1,908)	2,400

---

*The figure on the left in the 1975-76 column is the enrollment for that year as estimated at the time of the drafting of the Long-Range Plan. The figure in parentheses is the actual end of the year report.

The present estimate for 1977-78 is 95,481 FTE's and for 1978-79 is 98,148 FTE's (the Long-Range Plan estimates were, in FTE's, 98,814 and 102,120 for these two years).

The establishment of enrollment levels for each institution is a responsibility assigned by statute to the Board of Governors. This responsibility is particularly important in the development of budget requests, since institutional budgets are to a significant extent based on estimated enrollment. These levels are developed on the basis of estimates provided by the institutions, and these are then assessed and reviewed by the President's office in developing a set of recommendations for the Board of Governors. Authorized enrollments are set in terms of a range. The mid-point of that range is the basis of the budget request. There is then a two per cent variance on each side of that mid-point that defines the authorized range.

The experience noted above means that, in the revisions of the Long-Range Plan for the years 1977-82, now in progress, significant changes will be necessary in the enrollment projections to be made. For the five traditionally black institutions, the estimated budgeted enrollment for 1977-78 and 1978-79 is shown in Table III-4, along with actual enrollments for 1975-76 and 1976-77.

Table III-4

Enrollments in the Traditionally Black Constituent Institutions, 1975-76 to 1978-79

Institution	1975-76 Enrollment	1976-77 Enrollment	1977-78* Estimated	1978-79* Estimated
Elizabeth City State University	1,560	1,512	1,610	1,690
Fayetteville State University	1,947	1,901	1,960	2,015
North Carolina A & T State University	4,751	4,877	5,150	5,305
North Carolina Central University	4,323	4,309	4,610	4,725
Winston-Salem State University	1,908	1,887	2,070	2,170

---

*These are mid-points of an authorized range extending from 98 per cent to 102 per cent of this mid-point.

Enrollments are a basic but not the only determinant of budgets. For each institution, for example, there is a defined ratio of full-time teaching positions to full-time equivalent students. As enrollment increases, therefore, to the extent that appropriations are made available to The University, additional faculty positions are provided for an institution.

In addition to allocations of teaching positions and supporting salary funds, additional funds are provided in general academic support (instructional supplies and equipment, etc.), library, physical plant operations, student financial aid, and other areas of institutional operations, to meet the added costs of the enrollment increase. The overall change in the operating budget is stated in terms of "requirements," part of which are met from tuition generated from the enrolled students, and the new legislative appropriations provided from the General Fund equal the difference between total requirements and estimated tuition receipts. It should be noted that the "mix" of students by residency status can make a significant difference in the amount of the total requirements met from receipts and from appropriations due to the wide differential in the tuition charged to North Carolina residents and to students from out of state.

Additions of resources to institutional budgets in response to enrollment changes are obviously dependent on the level of appropriations made available to the Board by the General Assembly. As indicated earlier, during 1974-75 and 1975-76 the actual enrollment levels were substantially in excess of the levels the Board of Governors was able to fund. For this reason, the Board of Governors attaches great importance to institutions' adhering to the enrollment levels authorized for them. The "range" (two per cent below and two per cent above the budgeted mid-point) is an acknowledgement of the impossibility of exact adherence to a specific figure, but any enrollment significantly in excess of the authorized range means that an institution does compromise the quality of its programs by enrolling more students than are provided for in its budget. Such a practice has the effect, e.g., of making de facto changes in student-faculty ratios, with attendant consequences for the quality of instructional programs. When the level of appropriations is not sufficient for the Board of Governors to fund fully that level of enrollment on which its budget request was based, institutional over-enrollments further compound the problem.

D. Strengthening the Role of the Traditionally Black Institutions

In light of the foregoing discussion of institutional missions and enrollments, the discussion turns now to those elements of the amended Criteria in part B of the "disestablishment" section. Those elements essentially repeat inquiries made by HEW in 1973 about the comparative resource levels provided by the State to its traditionally black and traditionally white institutions. In a letter from the Director of the Office for Civil Rights to the Governor of North Carolina, dated November 10, 1973, it was said with respect to resource availability: "The objective in this area is to assure that resources provided by the State to predominantly black institutions are comparable to those provided at all other State institutions of similar size, level, and specialization."

A special study of the five traditionally black institutions, made in 1967 by the North Carolina Board of Higher Education, concluded that "At this time, state support of the traditionally Negro institutions is, generally speaking, comparable to that given the predominantly white institutions. Historically, this has not been true."[12] That same year, the General Assembly appropriated special funds to strengthen "developing institutions" -- a term defined to mean, in practice, the traditionally black institutions. These initial appropriations were augmented and broadened in 1969 and again in 1971 by the General Assembly. By 1971-72, $3.4 million in special funds had been added by the State to the annual operating budgets of the traditionally black institutions.

---

[12] State Supported Traditionally Negro Colleges in North Carolina (Raleigh: North Carolina Board of Higher Education, 1967), p. 59.

Nevertheless, in response to the HEW inquiry of November, 1973, about resource comparability, the Board of Governors did not believe itself in a position tc make a definitive response at the time of filing the State Plan in 1974. Accordingly, in that State Plan the Board made a commitment to conduct a special study that would:

- Identify the qualitative strengths and deficiencies of the five traditionally black institutions.
- Determine the factors contributing materially to each of the deficiencies found.
- Determine the cost of remedying each of the deficiencies found that can be remedied wholly or substantially by money.
- Determine the most effective arrangements for the expenditure of money found to be required.
- Determine what actions other than the expenditure of money are necessary to remedy the deficiencies found not to be wholly remedial by money.

It will be noted that the letter of November 10, 1973, quoted above, asked for institutional comparisons among traditionally black and traditionally white institutions "of similar size, level, and specialization." Similarly, the Criteria speak in terms of comparisons among "institutions having similar missions."

As already pointed out, The University of North Carolina uses commonly applied national definitions in the basic classification of institutions by mission and purpose. The special study therefore compared the five historically black institutions with their counterpart historically white institutions. Two of the historically black institutions are comprehensive universities and three are general baccalaureate universities. North Carolina A & T State University and North Carolina Central University were compared with the traditionally white comprehensive universities: Appalachian State University, East Carolina University, The University of North Carolina at Charlotte, and Western Carolina University. Elizabeth City State University, Fayetteville State University, and Winston-Salem State University were compared with the traditionally white general baccalaureate institutions: Pembroke State University, The University of North Carolina at Asheville, and The University of North Carolina at Wilmington.

1. Resources

The Comparative Study examined levels of State support in specific areas such as:

(a) Personnel complements
(b) Student charges (tuition and academic fees, and other fees)
(c) Student financial aid
(d) Faculty complements (student-faculty ratios)
(e) Faculty salary support
(f) Administrative salaries
(g) Library support
(h) Academic and administrative computing resources
(i) Physical facilities

By the critical measure of State financial support, the traditionally black institutions met or exceeded the comparable levels of the counterpart traditionally white institutions in all but two areas. In student charges a pattern was found that was adverse to traditionally black institutions, a disparity principally caused by an exceptionally high debt retirement fee at Elizabeth City State University.

In the area of physical facilities, no disparity was found in funds appropriated for new construction over the decade 1967-1977 between the traditionally black and traditionally white institutions in proportion to their enrollment growth. However, physical facilities at the traditionally black institutions are generally older than those at the counterpart traditionally white institutions; one traditionally black institution rated a very high proportion of its facilities in less than satisfactory condition by its own assessment, in contrast to the more favorable self-assessments of their own facilities made by the other institutions compared in the study. Accordingly, it was concluded that a special further study should be made that would evaluate the physical plant and physical plant maintenance programs at the five traditionally black institutions.

Therefore, the principal conclusion reached by the *Comparative Study* was:

> *There is no discrimination in the patterns or levels of State budgetary support that is adverse to the historically black institutions*. Moreover, the study has found that basic comparability in State budgetary support for the two groups of historically black institutions [*i.e.*, comprehensive universities and general baccalaureate universities], as measured by State budgetary support for the comparable groups of historically white institutions, is a situation that has prevailed for a considerable span of years.[13]

---

[13] *Comparative Study*, p. 144.

2. Enrollments and Program Offerings

The Comparative Study found that the highest rate of growth since 1969 among the comprehensive universities had been at The University of North Carolina at Charlotte, and among the general baccalaureate institutions at The University of North Carolina at Wilmington. With those exceptions, the traditionally black institutions had, during that period of time, grown at a faster rate than had the traditionally white institutions. For the period 1976-77 through 1980-81, the projected growth for the five traditionally black institutions was 25 per cent and for the seven counterpart traditionally white institutions 24 per cent. For reasons discussed earlier in this Chapter, these projections are being revised in the 1977 Long-Range Plan.

Further, comparability in the range of degree program offerings among the traditionally black and traditionally white institutions has been achieved, as demonstrated in the Comparative Study, and in program changes approved by the Board of Governors since the Comparative Study was completed in June of 1976.

In the Long-Range Plan approved in 1976, the Board of Governors authorized the planning of 30 new degree programs at the baccalaureate level, and 15 of these authorizations were given to the five traditionally black institutions. Two new master's programs were authorized for planning at North Carolina A & T State University. No new programs at the master's level were requested by North Carolina Central University, the other traditionally black comprehensive university.

Since it assumed responsibility for governance of the 16 public senior institutions in July, 1972, the Board of Governors has approved the establishment of 82 new degree programs -- 58 at the baccalaureate level, 19 at the master's level, 2 at the first professional level, and 3 at the doctoral level. Seventeen of the new baccalaureate programs were approved at traditionally black institutions, and have contributed significantly to diversifying their curricular offerings, and one new master's program has been approved at a traditionally black institution.

Most of the new programs established have not required additional special funding, but have been accommodated by re-arrangements of institutional resources and from funding increments realized from enrollment growth. Excepting the major costs involved in developing the program in medical education at East Carolina University, and the funds provided to date for the development of the program in veterinary medicine, the Board of Governors has had available only limited funds to underwrite the initiation of new degree programs. Since 1972, $420,890 has been allocated for this purpose. Of this amount, $101,759 has been allocated to major research universities or other doctoral institutions; $131,407 to traditionally white comprehensive and general baccalaureate universities; and $187,724 to traditionally black comprehensive and general baccalaureate universities. Additional allocations are anticipated prior to the fall semester, 1977, to East Carolina University for a new master's level program in nursing and to The University of North Carolina at Wilmington for the new master's programs in education. The largest part of all new program funds has been expended to establish programs assigned high priority in areas meeting particular State needs -- e.g., in special education, in reading education, and in nursing education. Special attention has been given also to developing a unique program in transportation studies and to extending program offerings in engineering at North Carolina A & T State University, and to meeting needs for broadening the curriculum at Elizabeth City State University, Fayetteville State University, and at The University of North Carolina at Asheville.

In concluding this discussion of programs, it is noted again that two major program evaluation studies are in progress -- in the discipline division of health professions and in teacher education. Therefore, it is important to point out that it is expected that these studies will lead to action by the Board of Governors to strengthen and expand some programs and also to discontinue some programs that do not meet acceptable standards of quality, that are unnecessary in meeting the State's educational needs, and that are not sufficiently productive to justify their costs. It is anticipated, in fact, that individual institutions, after their own evaluations of the data collected in making these studies, will themselves recommend the discontinuance of some programs. In the course of making these decisions, the Board will assess possible racial impact relative to the goals of this State Plan, Phase II, and specifically to the further elimination of racial duality, as one important factor in making those decisions that most effectively contribute to meeting the higher educational needs of the State.

3. Deficiencies and Remedies

Deficiencies in the traditionally black institutions identified in the Comparative Study were generally of two kinds. There were, first, problems found that these institutions shared in common with most of their counterpart traditionally white institutions.

The most important of these was in the level of State appropriations support for faculty salaries. The Board of Governors committed to remedy this deficiency as promptly as possible by establishing parity in the level of State funding for teaching positions among comparable institutions. In its Budget Request for 1977-79, it asked for appropriations in the amounts calculated as needed to reach this objective on July 1, 1978.

Appropriations were provided by the 1977 General Assembly that will enable the Board of Governors to take each affected institution to a faculty salary funding point half way between where the institution was in 1976-77 and the common level anticipated by 1978-79.

Second, the Comparative Study identified a set of particular problems and needs which, while not unique to the traditionally black institutions, were distinctively characteristic of them. These pertained to certain characteristics of their faculties and their students.

a. Faculties

An important measure of the strength of an institution's faculty, and thus of the quality of its educational programs, is the proportion of that faculty having the appropriate terminal degree for their teaching fields. Here marked differences were noted between the traditionally black institutions and the traditionally white institutions. The percentages of faculty in the traditionally black institutions having the doctorate or first professional degree in the fall of 1975 ranged from 22 to 38, while the range in the counterpart traditionally white institutions was from 47 to 73.

Significant progress is being made in this area. Of new faculty appointments made by North Carolina A & T State University in 1976, 87 per cent had the doctorate; at North Carolina Central University it was 77 per cent (including both doctorate and first professional); at Elizabeth City State University it was 43 per cent; at Fayetteville State University 58 per cent; and at Winston-Salem State University 63 per cent.

It is recognized also that there are disciplines, such as in the performing arts, where the doctorate is not necessarily the appropriate terminal degree. Nevertheless, these data are indicative of a serious problem in the traditionally black institutions, and of important efforts on their part to address the problem. The faculty improvement program, described above, to make them more competitive in faculty salaries, will contribute to this effort.

To contribute further to the effort to strengthen the faculties of these institutions, the Board of Governors has requested funds to meet the costs of paid leaves of absence for selected qualified faculty members of the comprehensive and general baccalaureate institutions to enable them to pursue doctoral studies, and to meet the costs of appointing visiting faculty as replacements for those individuals who are awarded such leaves. Initial attention will be given in this program to qualified black faculty members in the traditionally black institutions because of the lower proportion of faculty having the doctorate at those institutions, and because of the national shortage of black persons possessing this degree qualification. The Board has requested $200,000 to begin this program in 1978-79.

b. Students

A second distinctive characteristic of the traditionally black institutions identified in the Comparative Study is that a large proportion of the students admitted to these institutions are not as well prepared for college study, by the usual measures, as most of the students entering the traditionally white institutions. Without exception, the five institutions called attention to a major need to provide special remedial instruction for many of their students, and indicated that they deemed this to be an important component of their educational mission. Table III-5 gives the SAT distribution for the entering Freshman class of the fall of 1976 by institution.

Table III-5*

Average Scholastic Aptitude Test Scores of Entering Freshmen, by Institution, 1976

Comprehensive Universities	SAT-V	SAT-M	SAT-Combined
UNC-Charlotte	444	481	925
East Carolina University	422	452	874
Appalachian State University	420	450	870
Western Carolina University	408	427	835
North Carolina A & T State University	347	362	709
North Carolina Central University	346	362	708
General Baccalaureate Universities			
UNC-Asheville	466	474	940
UNC-Wilmington	425	452	877
Pembroke State University	378	404	782
Fayetteville State University	342	361	703
Winston-Salem State University	322	337	659
Elizabeth City State University	271	305	576

---

*No scores were reported for a significant number of students in several of the institutions.

These figures compare with a national average in 1976 of 431 on the SAT-Verbal and 472 on the SAT-Math, and with a North Carolina average of 396 and 423, respectively. A similar pattern of comparisons emerges when one compares the high school rank-in-class of the students entering the traditionally black institutions.

These measures pointed to a need for improving programs of remedial education in The University, and a study of existing remedial programs was made under a contract with The University during 1976-77 by the Research Triangle Institute.[14] In its Budget Request for 1977-79, the Board of Governors asked for funds to provide needed additional funds for remedial programs, and received appropriations for this purpose. The Board is making allocations for remedial programs for 1977-78 as follows:

Elizabeth City State University	$ 60,000
Fayetteville State University	74,000
North Carolina A & T State University	150,000
North Carolina Central University	141,000
Pembroke State University	52,500
Winston-Salem State University	75,000
Total	$552,500

These allocations reflect the fact that, although remedial instruction is provided in all institutions, the problem is especially acute and broad in scope at the traditionally black institutions.

c. Indicators of Program Deficiencies

The Board has identified major problems associated with the quality of programs in the traditionally black institutions. These problems are closely related to institutional characteristics just described.

---

[14] Remedial Educational Activities in The University of North Carolina, 1976: A Special Report to The University of North Carolina General Administration (Research Triangle Park: Research Triangle Institute, 1977).

First, following a study of nursing education completed in 1975,[15] the Board has reviewed the performance of graduates of nursing programs in The University on the State Board of Nursing Licensing Examination. The cumulative proportion of graduates of the three nursing schools at traditionally black institutions passing the examination on first writing, from 1970-76, is 34 per cent, while the cumulative proportion for graduates of programs in traditionally white institutions passing on first writing during the same period is 92 per cent. No differentials in resources or prescribed courses of study were identified that could explain the serious deficiencies of the three programs in traditionally black institutions.

It was the conclusion of the Board of Governors that steps had to be taken to bring the three programs up to an acceptable level of performance. The Chancellors of the three institutions concurred, and each submitted a plan for strengthening his program. These plans place an emphasis on such areas as admissions and retention standards and a general improvement in academic requirements.

In 1975, in its study of nursing education needs, the Board of Governors declined to approve requests from additional constituent institutions to establish baccalaureate programs in nursing. It looks to the existing programs to provide the needed educational opportunities in this field. Obviously that need is not met unless a substantial proportion of graduates of all programs are prepared, upon graduation, to meet the requirements for entry into the profession. Accordingly, the Board has set as a goal for these three programs that, at a minimum, two-thirds of the graduates of each program taking the North Carolina licensing examination pass that examination on first writing by 1981, and that this proportion increase to three-fourths by 1983. If these levels are not met and maintained, the deficient program or programs will be discontinued. The President will review the programs annually to assess progress, and he will provide such assistance in strengthening these programs as is appropriate.

---

[15] Nursing Education in North Carolina, 1975-1980 (Chapel Hill: The University of North Carolina, 1975).

A similar problem is indicated in the performance of graduates of the constituent institutions on the National Teachers Examination. The record for the period from 1971-72 through 1975-76 is that, consistently, the graduates of the traditionally black institutions have scored, on the average, substantially below the average of graduates of the traditionally white institutions. These data are particularly significant for at least two reasons that require comment here.

First, as indicated earlier, the State is moving toward establishing a minimum score on the NTE as a requirement for teacher certification that is higher than the average NTE composite score, over the 1971-76 period, of the graduates of any of the traditionally black institutions. Second, because of the magnitude of teacher education programs in the overall instructional effort in most of the constituent institutions, these measures must be taken seriously as major indicators of general academic performance standards and expectations. This points to the need to direct efforts to strengthen the institutions through concerted measures that build quality into needed, existing programs, and not to a concept of institutional enhancement that is defined in terms of creating new programs. An emphasis on the addition of new programs as such does not serve the purpose of further eliminating racial duality, nor does it concentrate resources and efforts on serving the best interests of the students attending these institutions.

E. Program Duplication and the Placement of New Programs

Criterion I-C addresses the elimination of educationally unnecessary program duplication among traditionally black and traditionally white institutions in the same service area. The criterion further states that such action be taken "consistent with the objective of strengthening the traditionally black colleges." Additionally, in Criterion I-D it is said that North Carolina is to give "priority consideration" to the placement of any new program at traditionally black institutions, "consistent with their missions."

As pointed out, The University is committed to a policy of review of all new program proposals, and to the review of all degree program activity, from the standpoint of the most informed assessment it can make as to educational need, program quality, and program productivity. Decisions about program discontinuation or establishment of new programs must also be informed by the assigned missions of the institutions concerned.

The Board is committed, as stated, to strengthening the traditionally black institutions. It is committed also to the development and maintenance of the most effective system of public senior higher education that it can provide to all citizens of the State, within the limits of the resources available to it. In view of the limited extent to which any of the constituent institutions can be viewed as structured and organized to serve a particular region, these basic educational policy considerations must therefore be the principal guides in making decisions about program elimination or approval of new programs. One example will suffice to indicate the importance of this position.

The previously cited study of nursing education made by the Board of Governors in 1975 pointed to a clear need to establish two additional nursing programs at the master's level, primarily to train faculty needed to staff existing baccalaureate or pre-baccalaureate level programs in the Community College System and in The University. Given the differences in the effectiveness of the schools of nursing at North Carolina A & T State University and at The University of North Carolina at Greensboro, the only defensible decision was to establish one of the needed new master's programs at the latter institution. Further, that program is not one designed to serve a region of the State. It is intended to meet a general State need.

These two Criteria (I-C and I-D) are illustrative of a tendency manifest throughout that document to treat the traditionally black institutions as a "structural" problem that is apart from the subject of further integration of student bodies. The tendency is to ask for program primacy for the traditionally black institutions, without reference to other necessary and pertinent considerations. It is appropriate at this juncture therefore to repeat a point of view declared in the 1974 State Plan:

> Viewed in terms which are not racially conscious, the objective of any state planning effort in higher education is to improve the systems of post-secondary education throughout, consistent with the extent of resources of the State, both financial and intellectual, and within the framework of public policy priorities. Thus, both predominantly black and predominantly white institutions should expect to be the beneficiaries of any program designed to enhance the quality of the total system. This remains the fundamental objective, even within the context of addressing any demonstrable black-white institutional disparities. The advantage to black citizens of such an approach is obvious: whether they choose a predominantly black institution or a predominantly white institution, for so long as that distinction remains

> meaningful, there will be increased assurances that the institution selected is a good one. The same benefit will accrue to white students.[16]

F. Changes in Mission and Programs and General Reporting Requirements

Criterion I-E asks that The University "withhold approval of changes" in its operations that might "thwart . . . its desegregation goals." This is understood to refer to changes that would impede the further elimination of racial duality.

The University will continue to honor the policies enunciated in the 1974 State Plan.

> Consistent with necessary considerations of educational quality, institutional mission, and statewide needs, the Board of Governors normally will not approve the establishment of any new academic program unless in its opinion such action would not impede the elimination of the dual system of higher education in North Carolina.[17]
>
> A basic commitment is herein made by the Board of Governors to ensure that such assessments are made, in recognition of the fact that one critical consideration (but not the only proper consideration) in resolving basic questions about the role, scope, and mission of The University is the need to encourage at all times, in every way feasible, the further elimination of identifiable racial duality. In any case where the strong possibility of a negative impact attributable to a particular course of action is perceived, the action will not be taken unless there are countervailing legitimate and compelling inducements, of a sound educational character, which militate in favor of the proposed action.[18]

With reference to the amended Criterion I-F, The University will transmit to the Office for Civil Rights its Long-Range Plan, as periodically revised by the Board of Governors, as well as special planning studies (e.g., the report on health professions programs and the report on teacher education programs) that may from time to time be made and acted upon by the Board. These documents will adequately serve to inform the Office for Civil Rights of all major policy decisions of the Board of Governors. In the highly unlikely event of a major decision (e.g., to close an institution) not encompassed in the Long-Range Plan or in a special planning study, the action would be separately reported.

---

[16] State Plan, pp. 13-14.

[17] Ibid., p. 232.

[18] Ibid., pp. 282-283.

G. Schedule for Implementation and Further Identification of Resources

The establishment of specific timetables for implementation of the actions necessary to achieve the strengthening of the role of the traditionally black institutions is particularly difficult in view of the status of the Board's budget requests for 1978-79. Having enacted a biennial budget for 1977-79, the 1977 General Assembly, in its adjournment resolution, called for a re-convened session next year to review the State budget for 1978-79. This provides the Board a clear indication that the 1978-79 budget is tentative, but no procedures have been established in regard to further participation by the Board in the legislative review process. As has been indicated, appropriations for 1977-78 were made available for a number of the activities cited in this section. With limited exceptions, only these same levels of State funding are included in the tentative budget for 1978-79. The Board of Governors assumes that it will have an opportunity to provide further testimony in support of the increases in funding requested for the second year of the biennium that were in its original budget request. It cannot assume, however, that new requests will be entertained. Therefore, the Board can commit to seek only certain of the resources required for implementation of State Plan, Phase II in 1978 and the remaining funds in 1979 and 1981. Accordingly, these steps will be taken:

-- Funds for new programs, approved in accordance with procedures identified in the Long-Range Plan, and in the amounts identified by that process, will be requested in 1979 and 1981 for use in 1979-81 and 1981-83.

-- Current operating funds for anticipated enrollment growth will be re-requested in 1978 for 1978-79, in 1979 for 1979-81, and in 1981 for 1981-83.

-- Funds from non-appropriated sources will be made available for the study of the physical plants and physical plant maintenance programs upon the commencement of the study on November 1, 1977.

-- Funds for establishing parity in the level of State funding for teaching positions among comparable institutions, effective July 1, 1978, will be requested again in 1978 and funds for the maintenance of parity requested in all subsequent biennial budget requests.

-- $200,000 for paid leaves of absence for faculty members will be requested again in 1978 for use in 1978-79 and funds for maintenance of the program will be requested in 1979 and 1981.

-- $900,000 for further improving remedial education programs, an increase of $400,000 over the 1977-78 appropriations, will be requested again in 1978 for 1978-79 and $62,000 per year will be used for monitoring and evaluation of these programs beginning in 1977-78.

-- Funds to provide aid to students to offset the debt retirement fees at Elizabeth City State University are provided for 1977-78 and will be requested for 1978-79 and thereafter as appropriate.

IV

STUDENT ENROLLMENTS IN THE UNIVERSITY OF NORTH CAROLINA

A. Introduction

Section II of the HEW Criteria, dealing with student enrollment in the public institutions of higher education, appears to have three broad objectives:

(1) To have more black students enrolled in those institutions;

(2) To increase the extent of racial integration of the student bodies of those institutions; and

(3) To have more black students progress through bachelor's degree programs and into and through graduate and professional degree programs.

The Board of Governors concurs in these general objectives. It declared them as its own in the 1974 State Plan, it reaffirmed the first two in Chapter I of this document, and it now reaffirms its commitment to the third. The Board reasserts, however, that its concurrence in these objectives does not stem from any legal obligation to achieve the "desegregation of student enrollment," as the title of Section II of the Criteria implies, for The University of North Carolina is not segregated by race, as was pointed out more fully in Chapter I.

In this Chapter, the criteria dealing with student enrollment are treated under the heads of increasing college attendance by black students generally, increasing racial integration of students in the institutions, and increasing the successful movement of black students through all levels of the public institutions. Section III of the Criteria, dealing with employment, is also treated here, since that topic is pertinent in a Title VI context only as it may influence student enrollment.

B. Increasing Participation of Black Students in Public Higher Education

It is the policy of the State of North Carolina "to increase the proportion of black citizens availing themselves of higher educational opportunities in the public systems of higher education."

Public higher education in North Carolina, consisting of the Community College System and The University of North Carolina, is not segregated by race. No black person is "on the ground of race, . . . excluded from participation in, . . . denied the benefits of, or . . . subjected to discrimination under . . ." either public system.

That the State's practice conforms to its policy of nondiscrimination is evidenced by pertinent statistics. In the fall of 1976, the two systems were characterized, respectively, by the following racially significant facts with respect to application, admission, and enrollment:

The constituent institutions of the Community College System received applications for Freshman admission from 50,073 North Carolina residents, of whom 37,430 (74.8 per cent) were white and 12,643 (25.2 per cent) were black; of those applicants, 44,990 persons were accepted for admission, of whom 33,715 (81.0 per cent) were white and 11,275 (25.1 per cent) were black; 36,445 persons actually enrolled for the fall term, of whom 27,697 (76.0 per cent) were white and 8,748 (24.0 per cent) were black.

The 15 constituent institutions of The University of North Carolina received applications for Freshman admission from 31,390 North Carolina residents, of whom 24,798 (79.0 per cent) were white and 6,592 (21.0 per cent) were black; of those applicants, 23,150 persons were accepted for admission, of whom 18,165 (78.5 per cent) were white and 4,985 (21.5 per cent) were black; 15,322 persons actually enrolled for the fall term, of whom 11,768 (76.8 per cent) were white and 3,554 (23.2 per cent) were black.[1]

During the 1975-76 and 1976-77 academic years, of total students transferring from the Community College System to The University, 84.6 per cent were white and 15.4 per cent were black.

Although the access of black persons to the North Carolina public higher education systems is not limited by race and black persons do avail themselves of those opportunities in substantial numbers, there is a difference between the percentage of white and black high school graduates who enroll in North Carolina public higher education programs immediately after leaving high school. The most recent available data display the following difference in "going rates" for members of the two races: In the fall of 1976, 42.5 per cent of white 1976 North Carolina high school graduates enrolled in public institutions of higher education and 31.5 per cent of black such graduates did so.[2]

1. Objectives

North Carolina ranks below the national average with respect to the percentage of its high school graduates who enter post-secondary

---

[1] Because many students simultaneously file multiple applications, the total numbers of applications and admissions are greater than the total numbers of persons actually involved; however, that is not true of enrollments.

[2] In these and other subsequent calculations, students who are neither white nor black are not counted unless the text otherwise expressly so notes.

In the spring of 1976, 52,648 whites and 19,599 blacks graduated from public and private high schools in North Carolina.

In the fall of 1976, 22,358 white 1976 North Carolina high school education institutions. Thus, one of this State's comprehensive long-term goals is to increase generally the number and percentage of its citizens of all races who continue their education beyond secondary school.

As a part of the State's more comprehensive goal, the State Plan of 1974 posited the objective of increasing the percentage of black citizens entering public institutions of higher education and, inferentially, of decreasing the difference between the percentage of white persons and the percentage of black persons who enroll in the public higher education institutions. The State Plan, Phase II reaffirms that objective, with additional increases in the going rate for black citizens anticipated during the prescribed five-year interval.

HEW Criterion II-A addresses that objective in formulaic terms by providing that, "to achieve the desegregation of student enrollment, each plan shall:

> A. Adopt the goal that for two year and four year undergraduate public higher education institutions in the state system, taken as a whole,

---

graduates enrolled as first-time Freshmen in the 72 public institutions (15 constituent institutions of The University* and 20 community colleges and 37 technical institutes of the Community College System), for a ratio of enrollees to white North Carolina public high school graduates of the previous spring of .425 ($\frac{22,358}{52,648}$ = .425).

In the fall of 1976, 6,174 black 1976 North Carolina high school graduates enrolled as first-time Freshmen in the 72 public institutions, for a ratio of enrollees to black North Carolina public high school graduates of the previous spring of .315 ($\frac{6,174}{19,599}$ = .315).

*With the approval of the General Counsel for the Department of Health, Education, and Welfare, given on June 7, 1977, the North Carolina School of the Arts has been omitted from all calculations in this paper, in recognition of the fact that it was established after the era of de jure segregation of the races in North Carolina had ended and of the specialized mission of that institution.

> the proportion of black high school graduates throughout the state who enter such institutions shall be at least equal to the proportion of white high school graduates who enter such institutions. [Criteria, p. 22]

The obligation enjoined by Criterion II-A is founded on the incorrect premise that the public higher education program of the State is racially "segregated" and, accordingly, that a favorable change in the going rate for black citizens is required to achieve "desegregation."

The current difference between black and white college-going rates in fact is not caused by racially discriminatory or segregative policies or practices of the State or of its public higher education systems. No artificial constraints of a racial character, caused or controlled by the State, now operate to preclude full and free access of black citizens to higher education opportunities. Further, no evidence has been adduced to show that the current difference in black and white going rates may be caused, in part, by a past history of de jure racial segregation in the public higher education programs of the State. Thus, there arises no legal duty to achieve a change in going rates for the purpose of reducing or eliminating that difference.

Both the general going rate for all high school graduates and the particular going rate for black high school graduates are matters of serious independent concern to the State. A mistaken invocation of the requirements of Title VI of the 1964 Civil Rights Act, in this context, merely distracts from the essential task of identifying and addressing the real causes of that poor showing.

Aptitude, preparation, motivation, and finances must be counted among the salient determinants of going rates for all high school graduates, without regard to race. Achieving the comprehensive objective of the State to increase the rate and extent of citizen participation in education will be constrained for both whites and blacks by many factors and circumstances, including some which far transcend the responsibilities and capacities of the State's formal education programs. Many facets of the total social experience necessarily influence individual decisions about the pursuit of education beyond the high school. The objective here reaffirmed in this State Plan, Phase II focuses on those circumstances over which public higher education can attempt to effect a measure of influence. To the extent that the demonstrated causes of a low going rate may be shown to be more prevalent among or to impact more heavily on black citizens, then the appropriate corrective program should be expected to benefit proportionately larger numbers of black citizens than of white citizens.

North Carolina continues its specific efforts to increase public higher education opportunities for black students. The extent of participation by black North Carolinians in public higher education compares favorably with the experience of other states, as illustrated by the statistical comparisons presented in Tables IV-1, IV-2, and IV-3. The tables compare the percentages of black and white persons in four populations, respectively, in North Carolina, in the United States, in the other five states affected by the April 1, 1977 order in Adams v. Califano, and in eight other states sampled from the northeast, north-central, midwest, "border" and western regions of the country. These four populations are (1) the population generally (1970 data), (2) public school enrollment (1972 data), (3) public senior higher education enrollment

(1976 data), and (4) degrees conferred in public higher education (1976 data).[3]

Acknowledging the differences in dates for these various categories, North Carolina appears generally to serve proportionately more black students at succeeding levels of public education than does the nation as a whole or the other states sampled. This showing is demonstrated in Table IV-1, which uses racial proportions in the general population as a base for comparison with public school enrollment, public senior undergraduate enrollment, and degrees conferred. Table IV-1 applies the assumption that the ratio of black participation in a level of education to the black proportion of the population is a valid indicator of a State's educational service to its black citizens; use of such a ratio in comparing different states provides a common basis for comparing enrollment ratios in states with different population ratios.

On this basis, Table IV-1 shows that North Carolina's public educational enrollment of its black citizens compares in a highly favorable manner with that of both the nation as a whole and the other states sampled, and that the comparison grows more favorable to North Carolina as the level of educational activity rises. Specifically:

-- North Carolina has the second highest percentage of black citizens in its population generally of any state in the sample, a percentage that is twice that of the United States as a whole.

-- Comparing the percentage of black students enrolled in the public schools to the percentage of black persons in the population generally,

---

[3] The data for public senior higher education enrollment and degrees conferred include undergraduate, graduate, and professional students in public institutions offering at least the baccalaureate degree.

North Carolina's result is virtually identical to the national average and to the percentages of seven states, and significantly exceeds that of one state. This suggests that in those instances, of its potential black students, North Carolina enrolls proportionately as many as, or more than, the nation and half of the sampled states.

-- Similarly, comparing the percentage of black students enrolled in public senior higher education institutions to the percentage of black persons in the population generally, North Carolina exceeds the national average, has approximately the same ratio as six other states, and exceeds the ratios of four other states. This suggests that of the State's black potential college students, The University of North Carolina enrolls a proportion as large as, or larger than, ten of the other thirteen states sampled, and that the State's relatively high national standing is strengthened in moving from elementary and secondary education to higher education.

-- Finally, comparing the percentage of black students among degree recipients to the percentage of black persons in the population generally, North Carolina's ratio is almost 25 per cent higher than the national average, and exceeds the figure of eleven of the other thirteen states sampled, suggesting that North Carolina is extremely successful, in comparison to the national average, in providing degree opportunities for black students through The University. This showing is the more remarkable in the light of the relatively low overall college-going rate for North Carolina (see p. 48, above).

2. Efforts and Achievements to Date

Progress in increasing the percentage of black high school graduates who enroll in the public higher education institutions the

Table IV-1

August 15, 1977

COMPARATIVE RATIOS OF NORTH CAROLINA'S PUBLIC EDUCATION SYSTEMS TO SELECTED STATES AND NATIONAL NORMS

	PUBLIC SCHOOL ENROLLMENT (1972)[b]			PUBLIC SENIOR HIGHER EDUCATION ENROLLMENT[c]		DEGREES CONFERRED TOTAL - 1976	
	1 State Population:[a] Percent Black	2 Elementary-Secondary School Enrollment: Percent Black	3 (2 ÷ 1) Ratio: Percentage of Black Elementary-Secondary School Enrollment to Percentage of Black Population	4 Enrollment in Public Senior Higher Education Institutions: Percent Black	5 (4 ÷ 1) Ratio: Percentage of Black Enrollment in Public Senior Higher Education to Percentage of Black Population	6 Degrees Conferred, 1976: Percent Black	7 (6 ÷ 1) Ratio: Percentage of Degrees Conferred to Black Students to Percentage of Black Population
North Carolina	22.2	29.5	1.33	18.4	.829	15.8	.712
Arkansas	18.3	24.0	1.31	14.9	.814	10.0	.546
California	7.0	9.7	1.39	5.8	.829	4.7	.671
Florida	15.3	23.1	1.51	[illegible]	.693	6.7	.438
Georgia	25.9	34.2	1.32	15.0	.579	10.0	.386
Illinois	12.8	18.7	1.46	11.1	.867	7.9	.617
Indiana	6.9	9.4	1.36	5.9	.855	3.3	.478
Michigan	11.2	14.0	1.25	8.3	.741	6.8	.607
Missouri	10.3	14.8	1.44	5.9	.573	3.4	.330
New Jersey	10.7	15.7	1.47	9.2	.860	8.0	.748
New York	11.9	16.1	1.35	13.4	1.126	7.6	.639
Oklahoma	6.7	10.2	1.52	6.1	.910	4.5	.672
Virginia	18.5	24.6	1.33	15.6	.843	9.5	.514
West Virginia	3.9	4.4	1.13	4.9	1.256	3.7	.949
U.S. Total	11.1	15.2	1.37	8.7	.784	6.4	.577

[a] Source: Bureau of the Census, 1970. Blacks and others were undercounted in this census.

[b] Source: Directory of Public Elementary and Secondary Schools in Selected Districts, Fall 1972, HEW/OCR.

[c] Source: NCES special request for 1976 HEGIS/OCR data. At the request of NCES, it must be noted that these data are not as yet complete. Hence, they are unofficial, but reasonably accurate indicators. (Virginia data will change, since at least two major institutions are not included. Georgia data will change, in that post-secondary vocational/technical enrollments will be added; approximately 10,000 students.)

Table IV-2

August 5, 1977

DEGREES CONFERRED BY SELECTED STATES BY LEVEL AND RACE, 1975-76[a]

STATE	BACHELOR'S DEGREES				MASTER'S AND INTERMEDIATE DEGREES				FIRST PROFESSIONAL DEGREES				DOCTOR'S DEGREES			
	Black	White	Other	Total	Black	White	Other	Total	Black	White	Other	Total	Black	White	Other	Total
Arkansas	606 11.2	4,798 88.3	30 0.5	5,434	117 7.5	1,417 91.3	19 1.2	1,553	11 3.7	288 96.3	- -	299	5 4.2	108 90.8	6 5.0	119
California	2,760 4.5	50,233 82.3	8,048 13.2	61,061	834 5.7	12,227 83.8	1,530 10.5	14,591	108 5.2	1,619 78.0	350 16.8	2,077	39 2.9	1,251 91.7	74 5.4	1,364
Florida	1,312 6.5	18,047 89.2	865 4.3	20,224	474 7.9	5,310 88.7	203 3.[illegible]	5,987	34 5.1	626 93.1	12 1.8	672	36 5.6	580 89.2	34 5.2	650
Georgia	1,305 10.0	11,679 89.3	91 0.7	13,075	770 10.9	6,233 88.1	73 1.0	7,076	17 3.2	507 95.7	6 1.1	530	18 4.0	415 93.7	10 2.3	443
Illinois	2,023 7.3	25,192 90.7	552 2.0	27,767	1,036 10.2	8,925 88.0	184 1.8	10,145	32 4.1	733 94.7	9 1.2	774	38 4.3	844 94.5	11 1.2	893
Indiana	533 3.4	15,217 95.2	230 1.4	15,980	256 3.4	7,316 95.8	63 0.8	7,635	24 2.8	832 96.3	8 0.9	864	34 3.8	853 94.0	20 2.2	907
Michigan	1,690 6.2	25,073 92.2	434 1.6	27,197	1,017 7.8	11,769 90.1	277 2.1	13,063	82 5.5	1,383 92.8	25 1.7	1,490	129 9.9	1,118 86.2	50 3.9	1,297
Missouri	503 3.7	12,939 95.4	128 0.9	13,570	109 2.6	4,040 96.1	53 1.3	4,202	15 2.2	647 96.7	7 1.1	669	12 3.6	313 93.7	9 2.7	334
New Jersey	1,387 8.0	15,281 88.0	705 4.0	17,373	357 7.3	4,322 87.9	235 4.8	4,914	79 12.9	499 81.7	33 5.4	611	25 7.3	278 81.8	37 10.9	340
New York	3,106 8.3	32,418 86.8	1,822 4.9	37,346	704 5.8	10,862 90.0	507 4.2	12,073	53 5.8	822 90.1	37 4.1	912	17 2.8	564 91.5	35 5.7	616
N. Carolina	2,635 17.1	12,621 81.9	158 1.0	15,414	577 12.8	3,862 85.6	72 1.6	4,511	84 15.8	440 82.7	8 1.5	532	9 1.9	448 94.7	16 3.4	473
Oklahoma	518 4.9	9,633 91.7	355 3.4	10,506	124 3.8	3,060 92.5	123 3.7	3,307	1 0.2	376 95.2	18 4.6	395	8 2.3	335 95.7	7 2.0	350
Virginia	1,638 10.6	13,633 88.5	142 0.9	15,413	376 7.8	4,381 91.0	58 1.2	4,815	23 2.7	824 96.9	3 0.4	850	19 4.2	432 94.1	8 1.7	459
W. Virginia	268 4.3	5,961 95.1	38 0.6	6,267	48 2.2	2,086 97.5	6 0.3	2,140	4 1.7	232 97.9	1 0.4	237	1 0.9	111 98.2	1 0.9	113
All Other States	18,607 5.6	296,505 89.5	16,132 4.9	331,244	7,200 7.3	87,660 88.9	3,707 3.8	98,567	462 3.1	13,492 91.6	772 5.3	14,726	327 3.3	9,328 92.8	395 3.9	10,050
U.S. TOTAL	38,891 6.3	549,230 88.9	29,730 4.8	617,851	13,999 7.2	173,470 89.2	7,110 3.6	194,579	1,029 4.0	23,320 91.0	1,289 5.0	25,638	717 3.9	16,978 92.2	713 3.9	18,408

---

[a] Source: NCES special request for 1976 HEGIS/OCR data. At the request of NCES, it must be noted that these data are not as yet complete. Hence, they are unofficial, but reasonably accurate indicators. Excludes non-resident aliens.

Table IV-3

August 5, 977

RACIAL BREAKDOWN OF STATE POPULATIONS (1970), PUBLIC SCHOOL ENROLLMENT (1972), POST-SECONDARY ENROLLMENT (FALL 1976, PUBLIC 4-YR. ONLY) AND DEGREES CONFERRED (1975-76, PUBLIC 4-YR.)

RACIAL PERCENTAGES	STATE AR	CA	FL	GA	IL	IN	MI	MD	NJ	NY	NC	OK	VA	WV	USA
Total State Population[a]															
Black	18.3%	7.0%	15.3%	25.9%	12.8%	6.9%	11.2%	10.3%	10.7%	11.9%	22.2%	6.7%	18.5%	3.9%	11.1%
White	81.4	89.0	84.2	73.9	86.4	92.8	88.3	89.3	88.6	86.8	76.8	89.0	80.9	95.9	87.5
Other	0.3	4.0	0.4	0.2	0.8	0.3	0.6	0.4	0.7	1.3	1.1	4.2	0.5	0.2	1.4
Public (Elem. & Sec.) School Enrollment[b]															
Black	24.0	9.7	23.1	34.2	18.7	9.4	14.0	14.8	15.7	16.1	29.5	10.2	24.6	4.4	15.2
White	75.6	70.8	71.3	65.5	76.9	89.0	84.0	84.5	78.7	73.4	69.1	82.4	74.7	95.3	78.3
Other	0.4	19.5	5.6	0.3	4.4	1.6	2.0	0.7	5.6	10.5	1.4	7.4	0.7	0.3	6.5
Enrollment of Public 4-Yr. Institutions of Higher Ed.[c]															
Undergraduate															
Black	16.0	6.2	11.5	15.5	13.4	6.7	8.6	6.4	10.5	17.9	19.6	6.5	16.8	5.6	-
White	82.4	76.2	83.1	82.0	83.1	91.3	86.9	91.4	83.8	71.9	78.4	85.2	81.5	91.7	-
Other	1.6	17.6	5.4	2.5	3.5	2.0	4.5	2.2	5.7	10.2	2.0	8.3	1.7	2.7	
Graduate															
Black	8.9	4.5	8.4	14.2	6.3	3.2	7.1	4.7	5.3	6.2	12.3	4.6	9.9	2.3	-
White	86.7	77.3	81.9	80.7	83.6	89.0	82.0	87.7	88.1	82.1	82.0	81.2	86.9	92.6	-
Other	4.4	18.2	9.7	5.1	10.1	7.8	10.9	7.6	6.6	11.7	5.7	14.2	3.2	5.1	-
First Professional															
Black	4.5	5.7	5.4	3.1	5.9	3.1	8.4	2.6	11.4	6.3	14.7	1.1	4.8	1.7	-
White	93.9	76.4	90.6	95.5	90.7	94.5	82.2	95.2	82.5	90.4	83.1	95.3	88.4	97.8	-
Other	1.6	17.9	4.0	1.3	3.4	2.4	9.5	2.2	6.1	3.3	2.1	3.6	6.8	0.6	-
Total															
Black	14.9	5.8	10.6	15.0	11.1	5.9	8.3	5.9	9.2	13.4	18.4	6.1	15.6	4.9	8.7
White	83.2	76.5	83.0	82.0	83.4	90.9	85.7	90.6	84.9	76.0	79.0	84.7	82.4	92.0	83.4
Other	1.9	17.7	6.4	3.0	5.5	3.2	6.0	3.5	5.9	10.6	2.6	9.2	2.0	3.1	7.9
Degrees Conferred[c]															
Bachelors															
Black	11.2	4.5	6.5	10.0	7.3	3.4	6.2	3.7	8.0	8.3	17.1	4.9	10.6	4.3	6.3
White	88.3	82.3	89.2	89.3	90.7	95.2	92.2	95.4	88.0	86.8	81.9	91.7	88.5	95.1	88.9
Other	0.5	13.2	4.3	0.7	2.0	1.4	1.6	0.9	4.0	4.9	1.0	3.4	0.9	0.6	4.8
Masters and Intermediate															
Black	7.5	5.7	7.9	10.9	10.2	3.4	7.8	2.6	7.3	5.8	12.8	3.8	7.8	2.2	7.2
White	91.3	83.8	88.7	88.1	88.0	95.8	90.1	96.1	87.9	90.0	85.6	92.5	91.0	97.5	89.2
Other	1.2	10.5	3.4	1.0	1.8	0.8	2.1	1.3	4.8	4.2	1.6	3.7	1.2	0.3	3.6
First Professional															
Black	3.7	5.2	5.1	3.2	4.1	2.8	5.5	2.2	12.9	5.8	15.8	0.2	2.7	1.7	4.0
White	96.3	78.0	93.1	95.7	94.7	96.3	92.8	96.7	81.7	90.1	82.7	95.2	96.9	97.9	91.0
Other	0.0	16.8	1.8	1.1	1.2	0.9	1.7	1.1	5.4	4.1	1.5	4.6	0.4	0.4	5.0
Doctor's															
Black	4.2	2.9	5.6	4.0	4.3	3.8	9.9	3.6	7.3	2.8	1.9	2.3	4.2	0.9	3.9
White	90.8	91.7	89.2	93.7	94.5	94.0	86.2	93.7	81.8	91.5	94.7	95.7	94.1	98.2	92.2
Other	5.0	5.4	5.2	2.3	1.2	2.2	3.9	2.7	10.9	5.7	3.4	2.0	1.7	0.9	3.9
Total															
Black	10.0	4.7	6.7	10.0	7.9	3.3	6.8	3.4	8.0	7.6	15.8	4.5	9.5	3.7	6.4
White	89.3	82.6	89.2	89.2	90.2	95.4	91.4	95.6	87.7	87.7	83.0	92.1	89.5	95.8	89.1
Other	0.7	12.7	4.1	0.8	1.9	1.3	1.8	1.0	4.3	4.7	1.2	3.5	1.0	0.5	4.5

[a] Source: Bureau of the Census, 1970. Blacks and others were undercounted in this census.

[b] Source: Directory of Public Elementary and Secondary Schools in Selected Districts, Fall 1972, HEW/OCR.

[c] Source: NCES special request for 1976 HEGIS/OCR data. At the request of NCES, it must be noted that these data are not as yet complete. Hence, they are unofficial, but reasonably accurate indicators. (Virginia data will change, since at least two major institutions are not included. Georgia data will change, in that post-secondary vocational/technical enrollments will be added; approximately 10,000 students.)

following fall has been realized since the inception of the State Plan. Viewing the pertinent statistics from one perspective, the total number of black students in the two systems grew from 25,488 in 1973 to 37,364 in 1976, a growth of 46.6 per cent, while the gain in white enrollment for the same period was 23.0 per cent. Total black enrollment in 15 constituent institutions of The University grew from 15,416 in the fall of 1973 to 19,516 in the fall of 1976, a gain of 26.6 per cent; the counterpart white enrollment gain was 13.5 per cent.

In achieving these increases in black enrollment, the public systems of higher education have addressed four basic factors which impinge on the respective capacities of both systems to influence going rates of students generally and, thus, to influence going rates of black students particularly.

First, and most obviously, higher educational matriculation and institutional choice are both voluntary. There are practical limits to what either The University or the Community College System can do to influence those individual decisions and, correspondingly, institutions cannot guarantee or even estimate with certainty any projected changes in enrollment trends.

Second, assuming a determination to pursue higher education, financial limitations may discourage or altogether preclude a prospective student from realizing his or her objective. Available financial aid resources, though materially increased in recent years, are finite. The public higher education systems can do no more than continue current efforts to increase the availability of financial aid. Available financial aid is nearly all for undergraduates and is tending in form towards loans, rather than grants.

Third, assuming a determination and a financial capacity to enter higher education, the applicant may not be able to meet the admissions requirements of the institution and program of his or her choice. Within the public systems of higher education, the limitations on admissibility established by the institutions vary widely. Freshman admissions standards applied at some of the constituent institutions of The University would exclude one-half to three-quarters of those who enter other institutions of The University. The Community College System institutions are open to all applicants with a high school diploma or its equivalent, but standards for admission to particular programs vary. The public higher education systems can further assess the validity and effects of their admissions measures and criteria, but admissions requirements cannot and will not be eliminated altogether. The institutions do no favor to anyone by admitting students who are so poorly prepared for the programs they seek to enter that their success is predictably unlikely.

Fourth, offering an applicant admission, together with financial assistance if needed, will not guarantee matriculation within the public higher education systems of North Carolina. An applicant's range of choices includes not only the public higher education systems maintained by the State of North Carolina, but also 38 private colleges and universities and many proprietary post-secondary education institutions within North Carolina, as well as thousands of public or private institutions available in other states.

The State Plan sought to identify those circumstances which may contribute to a significant difference in black and white going rates and which the public higher education systems can affect. Correspondingly, the State Plan set forth a responsive program designed to address each apparently significant circumstance, cognizant that cause-and-effect correlations in this area are not precise. All of these efforts, and experience with respect to them, have been regularly reported in the semi-annual reports, and it is believed that, in combination, the various responsive programs have contributed to the favorable change in the experienced college-going rate for black students. The following basic circumstances were identified in and are being addressed under the State Plan:

a. The need to assure prospective black students that there are no racial barriers to access to the public post-secondary education systems. The responsive program has consisted of extensive, varied, comprehensive, and continuing efforts to communicate to prospective black students by word, picture, and action the assurance that racial discrimination adverse to blacks is not and shall not be condoned in this State's public higher education systems.

b. The need to publicize among prospective black students the availability, nature, and utility of public higher education opportunities provided by the State. The responsive program has consisted of varied efforts to inform prospective students of these opportunities, both through direct overtures from the public higher education systems and through cooperative efforts with the public schools.

c. The need to engage in direct and special recruitment of prospective black students. The responsive program has consisted of intensified contacts with such prospective students by the public higher education systems involving the increased use of black officials and employees in the recruitment processes of traditionally white institutions.

d. The need to reduce financial barriers to access. The responsive program has consisted of an analysis and evaluation of available sources of financial aid, augmentation of student grant and loan funds from state sources, and development of more efficient means of getting such aid to students who need it. The results clearly demonstrate highly favorable treatment of black students (See Table IV-4).

e. The need to evaluate the validity and effect of institutional admissions standards. The responsive program has consisted of such analyses and of complementary efforts to identify students who can be and are admitted on bases other than traditional (and otherwise applicable) indices for comparative evaluation of applicants, with resulting material increases in the number of black students entering traditionally white institutions.

f. The need to offer reasonable and effective educational opportunities of a remedial character that are responsive to the educational underpreparedness of many high school graduates and particularly of black graduates. Today there is some form of such activity on all campuses of The University. A comprehensive survey of these remedial programs, carried out for The University by a major research organization, is completed; further information is supplied in Chapter III herein.

g. The need to increase the multiracial character of all institutions within both of the public systems of higher education, in order to make the systems and all of their institutions generally more attractive to students of both principal races within the State. The responsive program is the subject of major attention in various sections of the State Plan and in this and other sections of this State Plan, Phase II.

Table IV-4

Student Financial Aid in Selected Constituent Institutions of The University of North Carolina, 1975-76[a]

	Awards and Loans[b] No. of Unduplicated Recipients			Amount of Dollars		
Institution	Black	Other	Total	Black	Other	Total
Major Research Universities						
NCSU-R	507	7,067	7,574	$ 996,051	$12,719,384	$13,715,435
UNC-CH	1,154	9,187	10,341	2,924,047	22,857,357	25,781,404
Other Doctoral Granting University						
UNC-G	386	3,473	3,859	733,132	4,744,201	5,477,333
Comprehensive Universities						
NCA&TSU	3,875	139	4,014	4,872,790	194,112	5,066,902
NCCU	4,531	267	4,798	4,741,765	320,248	5,062,013
ASU	253	3,910	4,163	380,564	5,690,010	6,070,574
ECU	677	4,616	5,293	833,412	4,551,014	5,384,426
UNC-C	291	2,086	2,377	360,125	3,004,652	3,364,777
WCU	172	3,428	3,600	281,636	4,630,484	4,912,120
General Baccalaureate Universities						
ECSU	1,392	68	1,460	2,250,705	136,974	2,387,679
FSU	1,727	94	1,821	2,964,862	107,650	3,072,512
WSSU	1,458	26	1,484	2,722,268	37,774	2,760,042
PSU	229	1,422	1,651	239,542	1,557,411	1,796,953
UNC-A	36	462	498	85,901	1,053,044	1,138,945
UNC-W	157	1,142	1,299	163,123	1,532,625	1,695,748

---

[a] Cohort for which last OCR 2000 B3 data is available.

[b] Aid awards and loans include grants, loans repayable by cash and/or service, scholarships, and student employment.

3. Anticipated Additional Achievements

During the five-year interval prescribed for implementation of the State Plan, Phase II, it is intended that a further increase in the going rate for black high school graduates will be achieved.

The State goal entails separate efforts by the Community College System and The University. Through established means of communication and cooperation, the two systems will undertake to carry out their commitments in complementary ways.

Established goals for change are desirable, both as a source of inducement to vigorous effort and as a measure of the apparent efficacy of techniques used to produce change. There are a number of bases upon which projected goals for changes in the going rates of black students could be made, and there are a variety of populations or indices that could be used for setting such goals. For instance, one could make a simple straight line projection of change derived from experience over some indicated span of time.

Notwithstanding the fact that the Board of Governors deems the method as set out in HEW Criterion II-A to be legally irrelevant, it remains appropriate to ascertain whether the concept of "parity" in going rates there articulated is, nevertheless, a realistic measure of achievable progress during the next five years of effort. Applied to all of public higher education in North Carolina, that basis of calculation would produce a need for 2,156 additional black first-time Freshman enrollees (34.9 per cent increase over the 1976 base), for all institutions; for 15 institutions of The University, 1,103 such additional black enrollees would be required (34.9 per cent increase over 1976 base).[4] That method of projection, which is based on the abstract concept of parity in going rates for blacks and whites, is conceptually unsound because it purports to take no account of causative factors or past experience. The results of this projection are wholly unrealistic when tested against apparently relevant circumstances.

---

[4] Applying the ratio of white North Carolina high school graduates of 1976 attending the 72 public institutions (.425) to the number of black

First, demographic statistics establish that the size of the "college age" pool of potential applicants as customarily defined is levelling off, at best. Enrollment growth prospects for The University are quite modest in comparison with the experience of the last decade. Increases in educational participation by any identifiable segment of the population, including blacks, is more readily realized in a high growth era than in a stabilizing or contracting growth era.

Second, the State has augmented substantially its level of financial support for private institutions and their students. The General Assembly established and has enlarged these aid programs in the hope

---

1976 North Carolina high school graduates of that year (19,599), it appears that 8,330 blacks would have had to have entered the 72 institutions as first-time Freshmen for such parity as is envisioned by Goal II-A of the Criteria to have been achieved. Since 6,174 black 1976 North Carolina high school graduates did attend those 72 institutions, an additional 2,156 first-time Freshmen black enrollees would have had to have been drawn from the black 1976 North Carolina high school graduates to have met the goal. That goal anticipates aggregate growth of 34.9 per cent over the 1976 base of 6,174 black North Carolina Freshmen in the 72 institutions.

The share of The University in this total hypothetical effort can be measured variously. A computation which produces an objective basis for the assigment of responsibility is the following: Of those 6,174 black 1976 North Carolina high school graduates who enrolled as first-time Freshmen in the 72 institutions in the fall of 1976, some 3,161 or 51.2 per cent were in 15 constitutent institutions of The University. If the additional black students to be enrolled in the respective public systems of higher education were to follow that same proportion, the 15 constituent institutions of The University should enroll 51.2 per cent of the additional black students needed, or 1,103 net growth over five years, a gain of 34.9 per cent over the 1976 base of 3,161.

that increased numbers of students, both black and white, will thereby be aided and encouraged to choose a private institution as an alternative to a public institution.

Third, consistent with the commitment in the State Plan to evaluate the strengths and weaknesses of the traditionally black constituent institutions of The University, various programs designed to improve the quality of those institutions have been undertaken and others are in prospect. (See Chapter III, above.) One conclusion is that qualitative improvements in their academic programs will depend in part on the admission of students who, by the best measures available, are found to be more adequately prepared to cope with collegiate-level work.

Finally, the traditionally white institutions of The University have been engaged since the inception of the State Plan in vigorous efforts to identify, attract applications from, and enroll increased numbers of black students. The inducements to such activity have not derived exclusively from the requirements of the State Plan. In spite of this intense effort, entailing the expenditure of substantial resources of many different types, the results have been relatively modest. There are limits to the numbers of black persons -- and of white persons as well -- whose academic preparation suggests that they can and ought to be induced to enter public higher education.

If total black enrollment in The University and the Community College System is to grow, then the additional black students will have to be people whose current equivalents attend private or out-of-state institutions or (more likely) people whose current equivalents attend no educational institution. Given the minimal admissions standards that now prevail at several constituent institutions of The University, together with the availability of considerable financial aid resources, University admissions officers have questioned whether there are significant numbers of black persons who wish to go to our public institutions but are unable to do so for reasons within the capacity of those institutions to eliminate. Nevertheless, the admissions officers are agreed that the efforts should be and will be made.

As noted previously, comparative national statistics suggest that North Carolina may well be near the limits of its present capacity to induce greater participation by black persons in the public post-secondary education systems. The State now outdistances many other states, both in this region and in the leading states in other parts of the nation as well, in the percentage of its public college population that is black and in the proportion of its college enrollments that is black in relation to the proportion of its population that is black.

These facts are cited as reasons for caution in projecting major increases in the absolute numbers of additional black students to be enrolled within the next five years. They indicate, also, that the current difference between black and white going rates will not be eliminated during that interval of time. However, there are sound reasons for believing that, with a continuation and refinement of pertinent effort, current trends will persist: the number of new black students should continue to increase, the going rate should increase faster for black students than for white students, and the difference between the going rate for blacks and whites should continue to narrow.

The capacity of The University to arrive at meaningful and realistic projections of change (both in absolute numbers of and going rates for black and white students) will be improved significantly in the near future.

First, all such calculations concerning subcomponents of the student population must be based on sound estimates about the parameters and composition of the total prospective student population. Within The University, enrollment estimates are generated on two schedules. The first is a five-year cycle which corresponds with The University's long-range planning process. The second is an annual cycle which accomplishes both a periodic updating of the gross five-year enrollment projections of the existing Long-Range Plan and a refinement of enrollment projections as a major element in the development of institutional budgets and related budget requests to the General Assembly. The current version of the Long-Range Plan (1976-1981) will be updated, revised, and extended in the fall of 1977. A critical part of that undertaking will be a revision of enrollment projections, which must take account of differences between The University's enrollment projections in the Long-Range Plan and its realized enrollments (see Chapter III at pp. 47-50). The 1977 revision of the Long-Range Plan will posit new enrollment estimates for the ensuing five years.

Second, by October 1977, The University will have the benefit of an additional year of actual enrollment experience, for the entering fall class of the 1977-1978 academic year, on which to base more refined and reliable estimates about future trends. So equipped, it will be possible, for example, to make some better informed judgments about whether the unexpected leveling off in applications and enrollments during the 1976-1977 academic year (which characterized both State and national experience) constitutes a significant trend or was a mere temporary aberration.

Third, by October The University will have secured useful data from the constituent institutions concerning the incidence of and apparent reasons for disparities between acceptance and enrollment for black students at traditionally white institutions and for white students at traditionally black institutions.

Equipped with the foregoing types of additional critical information, it will be possible for The University to establish, with greater confidence, realistic goals for changes in student enrollments during the five-year interval prescribed by Phase II of the State Plan. That better-informed exercise will address (1) the numbers of additional black and white students anticipated, (2) any changes in the respective going rates for blacks and whites, and (3) the incidence of increased racial integration at both traditionally white and traditionally black constituent institutions.

These projected accomplishments will be submitted to HEW prior to expiration of the 120-day review period mandated by the Order of the U. S. District Court.

To encourage the continuation of increased black student enrollment, The University will extend and enhance its recruitment and informational programs, will continue to insure that the burden of financial needs is fairly met, and will strengthen its efforts to attract students on a basis that is responsive to their educational needs.

C. Increasing Student Integration in Public Higher Education

1. Objectives

As has been noted earlier, one of the three principal objectives of the 1974 State Plan was "to encourage further racial integration of the student populations of the public post-secondary education institutions."

2. Experience under the State Plan

Substantial progress in increasing the racial integration of student populations at all constituent institutions has been realized under the State Plan. The percentage of black students enrolled in The University who attend the ten traditionally white institutions grew from 18.2 per cent in the fall of 1973 to 25.2 per cent in the fall of 1976. The percentage they constitute of total enrollments in those ten institutions grew from 3.7 per cent in the fall of 1973 to 5.6 per cent in the fall of 1976. The percentage of non-black students enrolled in The University who attended traditionally black institutions changed from 1.1 per cent in the fall of 1973 to 1.6 per cent in the fall of 1976; the percentage representation of non-black students in the populations of the traditionally black institutions changed from 5.9 per cent in the fall of 1973 to 8.5 per cent in the fall of 1976. The aggregate goals for 1976 as posited in the State Plan were exceeded in the case of black students in traditionally white institutions but were narrowly missed in the case of the percentage of white students in the traditionally black institutions. (See Table II-1.)

Several factors can be reliably identified as significant influences on the extent and rate of racial integration.

First, with respect to the challenge confronting both traditionally white and traditionally black institutions, a principal legacy of the *de jure* era is the persistence of racial self-consciousness, affecting both black and white citizens, which induces many individuals to choose environments in which they will be associated primarily, if not exclusively, with persons of their own race. This phenomenon produces racially identifiable groupings of persons in various public contexts, including higher education. Thus, racial self-consciousness continues to influence strongly the selection of institutions by individual students. So long as students and prospective students (1) are rightly permitted to exercise freedom of choice in selecting an institution, (2) are offered choices that include institutions which are either traditionally white or traditionally black, and (3) are significantly influenced in their choices by racial self-consciousness, The University can neither control nor guarantee any change in the current enrollment patterns. However, The University can, should, and does attempt to influence, persuade, and induce increasing numbers of individuals more often to disregard racial considerations in choosing their institutional locations. These efforts are recited in the several semiannual reports to HEW.

Aside from impediments derived from racial self-consciousness, a major challenge confronting traditionally white institutions in their efforts to achieve increased racial integration is a function of the prevalance among prospective black students of educational underpreparedness. The consequences of that circumstance for black students too often have been (1) that they did not compete successfully for admission and (2) if admitted, they did not succeed academically.

Recognizing these concerns, the State Plan identified and addressed a variety of factors that may influence the persistence of racial duality among the constituent institutions and which The University can and should attempt to affect. The following basic types of effort were identified in and are being implemented under the State Plan, as will be seen by referring to The University's several semiannual reports:

a. Efforts pursued by both traditionally white and traditionally black institutions to achieve additional minority presence enrollments.

(1) The policy of equal educational opportunity, with corresponding disavowal of any racially discriminatory policy or practice, has been publicized extensively.

(2) Intensive special recruitment efforts designed to attract prospective minority presence students have been undertaken by all constituent institutions.

(3) In addition to insuring maximum effective use of available student financial aid, special inducement scholarship programs, designed to encourage prospective students to enroll in institutions in which they would be in the racial minority, have been instituted.

(4) Efforts designed to insure that each institution is attractive to minority presence students have been pursued: access to programs, services, facilities, and activities, without regard to race, has been assured; programs promptly to identify and eliminate any racially discriminatory policies or practices have been instituted; and the compositions of governing boards, faculties, and staffs have been changed to achieve increased multiraciality.

(5) Multi-institutional consortia, cooperative programs, and exchange opportunities, pairing traditionally white and traditionally black institutions, are being analyzed, planned, or implemented.

(6) Transfer articulation policies, affecting inter-institutional relationships within The University as well as intersystem relationships between The University and the Community College System, have been evaluated and improved to facilitate student mobility.

b. Efforts pursued by traditionally white institutions to achieve additional black student enrollments.

(1) Evaluations of admissions standards have been made and others are in prospect, with the consequence that nontraditional bases for assessing student potential and achieving comparative evaluations of competing applicants have been instituted.

(3) Remedial education programs designed to accommodate underprepared students are being planned, evaluated, instituted, conducted, and modified, consistent with the dictates of need and sound experience, and with availability of resources.

c. Efforts pursued by traditionally black institutions to achieve additional white student enrollments.

(1) Although justified on other grounds as well, one principal objective of current and continuing efforts to improve the educational programs and services of the traditionally black institutions, discussed in Chapter III above, is to overcome both real and perceived deficiencies which may have impeded general enrollment growth, and may have discouraged the enrollment of more substantial numbers of white students than currently attend those institutions.

3. The HEW Criteria and Student Integration

HEW Criterion II-B imposes goals for black Freshman enrollment in the ten traditionally white constituent institutions of The University of North Carolina that are concurrent with, but are to be measured independently of, the goal of increasing black attendance at all public institutions of higher education, imposed by Criterion II-A.

Criterion II-B states that, "to achieve the desegregation of student enrollment, each plan shall

> B. (1) Adopt the goal that there shall be an annual increase, to be specified by each state system, in the proportion of black students in the traditionally white four year undergraduate public higher education institutions in the state system taken as a whole and in each such institution; and
>
> (2) Adopt the objective of reducing the disparity between the proportion of black high school graduates and the proportion of white high school graduates entering traditionally white four year and upper division undergraduate public higher education institutions in the state system; and adopt the goal of reducing the current disparity by at least fifty per cent by the academic year 1982-83. [*Criteria*, pp. 22-23]

No specific numerical integration goal is posed by HEW in Criterion II-B(1). The Board of Governors takes no exception to that Criterion's general proposition, that the proportion of black students in the ten traditionally white institutions as a group should increase, and commits itself to that objective. It is in the subsequent specification of the measure and rate of that increase, pursuant to Criterion II-B(2), that the *Criteria* pose problems of logic and of fact.

Applying the terms of Criterion II-B(2) to North Carolina gives the following results.

In the fall of 1976, there were 11,102 white 1976 North Carolina public and private high school graduate enrolled as first-time Freshmen and 4,573 white transfer students[5] enrolled initially in ten traditionally white constituent institutions of The University of North Carolina, for a ratio of such enrollees to 1976 white high school graduates and white transfer students of .273 ($\frac{15,675}{57,393}$ = .273).

In the fall of 1976 there were 713 black 1976 North Carolina public and private high school graduates enrolled as first-time Freshmen and 237 black transfer students enrolled initially in ten traditionally white constituent institutions of The University of North Carolina, for a ratio of such enrollees to 1976 black North Carolina high school graduates and transfer students of .047 ($\frac{950}{20,249}$ = .047).

If the mandate of HEW were to be to close the entire gap between the ratio of white North Carolina high school graduates and transfer students entering the ten traditionally white institutions of The University (.273) and the ratio of black North Carolina high school graduates entering ten institutions (.047), there would be required by 1982-83 an additional 4,576 black 1976 North Carolina Freshmen and transfer students to enter those institutions each year (.273 - .047 = .226; 20,249 x .226 = 4,578). That would be a gain of 481.9 per cent over the comparable 1976 figure of 950 entering black Freshmen and transfer students. (That figure of 4,576 also would exceed the total number of black Freshmen and transfer students who entered 15 constituent institutions of The University in the fall of 1976 from the North Carolina high school graduating class of 1976 and by transfer from other institutions.)

---

[5] Criterion II-B(2) would be modified by the proposed amendments of July 29 to treat both entering students from the North Carolina public and private high school graduating classes of the previous spring and North Carolina resident students transferring into The University's undergraduate programs from all institutions -- public and private, in-state and out-of-state.

Criterion II-B(2), quoted above, actually asks only that half the difference between the black and white attendance ratios be closed over five years. Applying that standard to North Carolina produces the following results.

The difference between the ratio for white students and the ratio for black students attending the ten traditionally white constituent institutions is .226 (.273 - .047 = .226). Criterion II-B(2) specifies the "goal of reducing the current disparity by at least fifty per cent by the academic year 1982-83." One-half of that disparity of .226 is .113. Multiplying 20,249 (the number of 1976 black North Carolina high school graduates and transfer students), by the factor of .113 gives 2,288 as the additional number of black first-time Freshmen and transfer students from North Carolina who would have to be enrolled in the ten traditionally white constituent institutions by 1982-83 to meet this goal. That enrollment growth would be 240.8 per cent over five years.

Criterion II-B(2) further adjusts The University's obligation, however, by the following provision:

> However, this shall not require any state to increase by that date black student admission [to the traditionally white institutions] by more than 150% above the admissions for the academic year of 1976-77. [Criteria,p. 23]

(Here the noun "admissions" as used by HEW is deemed to mean "enrollments.")

The effect of this permitted limitation on the obligation of The University's ten traditionally white constituent institutions is to reduce the aggregate increase that must be achieved in black first-time Freshman and transfer student enrollment in those ten institutions by North Carolina high school graduates of the previous spring and North Carolina resident transfer students from an additional 2,288 a year at the end of five years to an additional 1,425 a year at the end of five years.

Even the 150 per cent growth requirement of Criterion II-B(2), however, constitutes a much more rigorous imposition than is envisioned by the independent requirements of Criterion II-A. The separately-stated goal under Criterion II-A to which The University as a whole must respond posits an increase in the number of entering black Freshmen in fifteen institutions by a total of 1,103 by the end of the five-year period. Under the second calculation, derived from Criterion II-B(2), however, the ten traditionally white constituent institutions of The University would be required to meet a separately-stated and larger goal, but could not reflect increases in the going rate for black students at the five traditionally black institutions of The University or in the Community College System.

Neither of the formulae posed by Criterion II-B(2) -- closing half of the gap between the proportions of white and of black North Carolina high school graduates who enter the ten traditionally white institutions, or adding 150 per cent to the number of black North Carolina Freshmen entering those ten institutions each year by 1982-83 -- is conceptually well-founded or would represent a realistic attempt to further eliminate racial duality within The University of North Carolina.

First, the two formulae themselves are mechanistic and arbitrary. Whatever superficial objectivity the two formulae may derive from the fact that they can be mathematically expressed and measured, they lack a demonstrable relationship to any apparent principle. Presumably, if there is a legal duty to reduce materially the difference between the black and white rates of attendance at the ten traditionally white institutions, it would require that these rates be equalized. That is not requested by HEW, however. What HEW first proposes is a half-step toward attendance ratio equalization, with no explanation of whether or why the achievement of that goal would, in HEW's view, amount to full compliance with Title VI. Then HEW further compromises whatever principle may be involved by offering the option of allowing the ten traditionally white institutions to increase the number of students enrolled in those institutions by 150 per cent above the 1976 level, regardless of the proportions thereby achieved or foresworn.

Second, the "150 per cent" limitation implicitly recognized that even a principled formulaic change cannot be accomplished simply because the principle may be a beneficial one, but that the change involves numbers of real persons whose choices may not conform to the equation posited. There are realistic limitations on the achievement even of Criterion II-B(2) as so limited.

Third, for the reasons set out in Section B of this chapter, it will be very difficult to achieve substantial additional enrollment of black students in 15 constituent institutions of The University, though modest growth there is projected. The alternative for the ten traditionally white institutions of particular concern under Criterion II-B is to draw heavily from among the students who otherwise would be entering the traditionally black institutions, thereby diminishing the enrollments of these institutions.

Fourth, most of the factors cited earlier as discouraging to college attendance in general and to college attendance by black students in particular apply with special force to the traditionally white institutions in their efforts to increase their black populations. The people most experienced here, the admissions officers of those institutions, believe on the basis of experience that it would be impossible to achieve a growth of 150 per cent in the black Freshman and transfer student enrollments in the ten traditionally white institutions by 1982-83, in view of the difficulties they have had in recruiting the 713 black Freshmen and 237 black transfer students who entered those institutions in 1976.

A prominent reason for this difficulty is that many able black graduates coming out of North Carolina's high schools frequently apply to and are accepted by traditionally white institutions of The University, but do not enroll because they are the object of successful recruiting efforts on the part of private institutions in and outside North Carolina, and public institutions in other states, which make much more attractive financial arrangements for them than can our public institutions.

There are also much larger numbers of black graduates coming out of the State's high schools who are less well prepared for college work than is the average student entering the constituent institutions of The University. All of North Carolina's public institutions have been drawing increasingly from that group. One consequence is a growing need for remedial programs and other actions and services responsive to the special needs of that category of students. At some point, however, The University's duty to make the most effective use of its resources in providing education of sound quality to the majority of its students, black and white, dictates a limit to the number of students in need of extensive remediation -- black and white -- that it can accommodate in any institution.

Criterion II-D requires that The University of North Carolina "adopt the goal of increasing the total number of white students attending traditionally black institutions." In contrast to Criteria II-A and II-B, no formula is suggested for measuring the extent or rate of racial integration of the student bodies of the traditionally black institutions. Moreover, the HEW text places two distinct limitations on the imposition of numerical goals for white enrollment in traditionally black institutions:

> (1) Establishment of numerical goals for the enrollment of white students at traditionally black institutions must be preceded by increasing enrollment of black students in the higher education system and at the traditionally white institutions, as is required by Section II of these criteria. It must also be preceded by the accomplishment of specific steps to strengthen the role of traditionally black institutions, eliminate program duplication, locate new programs at black institutions, and by such other measures as are set forth in Section I.
>
> (2) Commencing September 1, 1979, and consistent with such [annual] progress ["in increasing participation by black students in higher education and in the disestablishment of the dual school system"], each state system shall specify annual numerical goals for increasing the participation of white students attending the traditionally black institutions. [Criteria, pp. 24-25.]

The Board of Governors declared in the State Plan of 1974 that one of its three principal objectives in that plan was "to encourage further integration of the student populations of the public post-secondary education institutions." That objective applied to all of its constituent institutions. In Chapter I of this State Plan, Phase II, it reaffirmed that objective. In 1974, the Board projected (in response to the specific mandate of HEW) non-black enrollment growth in the traditionally black institutions of The University, by institution and by year. The gains accomplished pursuant to those projections have been modest but significant and have been very close to the percentage goals and exceed the absolute number goals posited in that State Plan. In 1973, there were enrolled in the five traditionally black institutions of The University 788 non-black students[6] or 5.9 per cent of their total enrollments. In the fall of 1976, there were enrolled in those five institutions 1,364 non-black students or 8.5 per cent of their total enrollments. This exceeded the target figure of 1,350 non-blacks, but fell short of the percentage goal of 9.6 for the fall of 1976.

The Board of Governors believes it would be detrimental and legally wrong to alter its 1974 position that further racial integration of the student bodies of all of its institutions is a sound and necessary objective. Four of those traditionally black institutions are located in four of the half-dozen largest cities in North Carolina. Their opportunities for growth in service to those communities are considerable. To declare, by omitting to project racial change objectives for those institutions, that they are to remain for an indefinite period "black" institutions would be to contribute to the perpetuation of racial duality, not to its elimination.

Moreover, it is predictable that intensified efforts by traditionally white institutions within and outside The University of North Carolina to recruit more black students will be successfully directed at many of the students being sought by these traditionally black institutions. Therefore, if those five institutions are to keep up the total enrollment levels necessary to maintain their current staffs and programs, they must look in increasing measure to a white student clientele. Positing specific goals toward which they are to work will aid them in that necessary movement, and their chief academic officers and admissions officers have so declared.

---

[6] The discussion on the next several pages deals with "blacks" and "non-blacks", rather than "whites" because available data prior to 1976 give an insufficient breakdown of the non-black elements of enrollments to state the white enrollments separately.

4. Projections of Student Enrollment, 1978-79 through 1982-83

Being unable either to close half the gap between the ratios of black and of white North Carolina high school graduates and transfer students entering the traditionally white institutions, or to increase by 150 per cent the number of black Freshmen and transfer students entering the ten traditionally white institutions, as called for by Criterion II-B(2), the Board of Governors therefore puts forward its own projections of further enrollment changes in those ten institutions and also in the five traditionally black institutions.

First, the whole student population of the institutions, rather than the Freshmen entering from the North Carolina high school graduating class of the previous spring plus first-time transfer students, will be used as the basis for measuring change. This larger base gives a more comprehensive view of what is happening to the racial composition of the institutions. It includes, for example, graduate and professional as well as undergraduate students. It also includes out-of-state students, who constitute over 11 per cent of the total enrollment in The University of North Carolina. Obviously, it is through the North Carolina resident Freshman and transfer student enrollments that change is most directly accomplished, but that is too narrow a consideration to justify making it the sole basis on which change is measured.

Second, experience, tempered by the informed judgment of responsible institutional officials, is the best gauge of possible change in the racial composition of institutional enrollments. The University of North Carolina has had three years of experience (1974, 1975, and 1976) under the State Plan. During that time, the following changes have occurred in relation to the base year of 1973:

Table IV-5

Racial Composition of Enrollment in The University of North Carolina
1973 and 1976

	1973				1976			
	Black	Non-Black	Total	Minority Presence	Black	Non-Black	Total	Minority Presence
raditionally hite nstitutions (10)	2,802	73,872	76,674	3.7%	4,915	83,525	88,440	5.6%
raditionally lack nstitutions (5)	12,614	788	13,402	5.9%	14,601	1,364	15,965	8.5%
otal (15)	15,416	74,660	90,076	-	19,516	84,889	104,405	-

A more informative way of looking at the same statistics reveals that in 1973, 18.2 per cent of the black students in The University of North Carolina were in traditionally white institutions and in 1976, 25.2 per cent of the black students were in the traditionally white institutions. In 1973, 1.1 per cent of the non-black students in The University were in the traditionally black institutions, while in 1976, that figure had grown by half, to 1.6 per cent.

Third, the proportions of all enrolled black students who are in the traditionally white institutions, and the proportions of all enrolled non-black students who are in the traditionally black institutions, are a better measure of achieved and anticipated change, than are absolute numbers. While The University, as explained in Section B of this Chapter, is not yet prepared to project either the total numerical enrollment or the racial components of that enrollment for the next five years, it is deemed reasonable in the light of experience to project such changes in enrollment proportions by race for each group of institutions.

Fourth, projections are made for the ten traditionally white institutions as a group and for the five traditionally black institutions as a group, rather than separately for each of the fifteen institutions. It is more reasonable to project regular achievement by groups than by single institutions, where minor, unforeseen factors can produce a radical departure from a projection; that is particularly true now in the light of last year's lack of change in virtually all enrollment patterns. The University will monitor racial change by institution as well as by groups of institutions.

Fifth, enrollment chance is projected for each year, 1978-1982, that implies an expectation of steady, incremental progress. (No projection is made for 1977, since it is covered by the current State Plan and 1977 enrollments will have occurred before this State Plan, Phase II can take effect.) The regularity of the projected increase results simply from the fact that experience offers no reason for alternative rates of change. These intermediate yearly projections should be taken as no more than approximations of progress, however, and The University should be judged on its ultimate achievement or failure to achieve its five-year projections.

A straight line projection of the past three years' experience over the next five years would not be realistic. In 1973, 18.2 per cent of the black students in The University were enrolled in the traditionally white institutions and in the fall of 1976, 25.2 per cent of the black students were enrolled in those institutions. That represents an average change of 2.3 percentage points each year. (Viewed another way, the proportion of blacks in traditionally white institutions grew by more than one-third in three years.) That rate of change is not likely to be sustained. If it were, it would mean that by 1982-83, over 37 per cent of all the black students enrolled in The University of North Carolina would be in the traditionally white institutions. That extent of shift in black students would require that their total number in the traditionally white institutions be increased by nearly one-half by 1982-83. This is not a realistic anticipation, for the same reasons that the goals posited earlier in Criterion II-B are not realistic.

In view of all these considerations, the Board of Governors estimates that it will be possible to increase the proportion of The University's black students who are enrolled in the 10 traditionally white institutions from the current 25 per cent to about 33 per cent by 1982. That change would average 1.6 percentage points a year above the base year. To accomplish that degree of change in the locus of black enrollment would require that the total black enrollment in the ten traditionally white institutions increase by about one-third by 1982 above its 1976 level (4,915) if the total number of black students in The University (19,516 in 1976) were to remain the same for the next five years. Since the Board anticipates that the total black enrollment in The University will grow, however, total black enrollment in the traditionally white institutions will have to grow by a commensurately larger amount in order to reach the projected 33 per cent of all black students enrolled in traditionally white institutions by 1982.

With respect to the five traditionally black institutions, it is noted that of all the non-black students enrolled in fifteen constituent institutions of The University of North Carolina, 1.1 per cent were enrolled in those five institutions in 1973 and 1.6 per cent were enrolled in those institutions in 1976. That amounts to an average increase of about .2 percentage points a year. Projecting that rate of change on a straight line over the next five years indicates an aggregate five-year change of 1.0 percentage point. Thus by 1982, about 2.5 per cent of The University's non-black students would be in the traditionally black institutions as a result of this projection method. Assuming the total non-black enrollment in The University should remain at its 1976 level of 84,889, that degree of change would require an absolute growth from 1,364 to 2,125 non-black students in those five institutions, for a growth rate of 56 per cent. For the reasons cited earlier, the Board of Governors finds that to be an unrealistic prospect.

The Board of Governors believes a rate of growth of .1 percentage point each year in the total non-black enrollment in The University over the five-year period, (i.e., an aggregate of .5 percentage points), is more reasonable to project. The result would enlarge the share of The University's non-black enrollment in the traditionally black institutions from 1,364 (or 1.6 per cent) in 1976 to 1,785 (or 2.1 per cent) in 1982. The gain in absolute numbers of non-black students in traditionally black institutions would be 421, or 31 per cent, if the total number of non-black students in The University (84,889 in 1976) were to remain the same for the next five years. To the extent that non-black enrollment in The University grows, as it is expected to do, then proportionately more non-black students would have to attend the traditionally black institutions in order for the projected percentage to be attained.

Combining both sets of projections for minority presence enrollment in fifteen constituent institutions of The University produces the following table, which reflects the commitment of the Board of Governors of The University of North Carolina to make all reasonable efforts to achieve change in the racial composition of the student bodies of its constituent institutions over the five-year period, 1978-82.

Table IV-6

Projected Proportions of Total Minority Presence Students Enrolled in 15 Constituent Institutions of The University of North Carolina

	Percentage of All Black Students in U.N.C. Enrolled in Traditionally White Institutions (10)	Percentage of All Non-black Students in U.N.C. Enrolled in Traditionally Black Institutions (5)
1976	25.2	1.6
1978	26.8	1.7
1979	28.4	1.8
1980	30.0	1.9
1981	31.6	2.0
1982	33.2	2.1

D. Assuring Effective Educational Opportunities

The foregoing sections of this chapter have dealt with racially nondiscriminatory access to The University of North Carolina and to the traditionally white institutions of The University. Enrollment in The University (or in the Community College System) is an important but not a final step: equally important is what happens to the student once enrolled in an institution. That is the subject of this section.

The University of North Carolina intends that all enrolled students will have equal opportunities to obtain meaningful and effective public post-secondary educations, without reference to race, and that the standards used for evaluating their performance will be fair in both form and practice. In fulfilling this commitment, The University considers a variety of factors affecting each individual student, including his or her abilities, desires, needs, and performance, and attempts to provide equally effective personal and academic support for every student, without reference to race.

1. Student Mobility

The University of North Carolina, in cooperation with the Community College System and the private colleges and universities of North Carolina, has for many years sought to facilitate the transfer of students, with minimum loss of credit, from one institution to another. Out of this cooperative endeavor has come the standing Joint Committee on College Transfer Students. The work of that group is to rationalize, simplify, and make better known the rules and policies of the institutions with respect to the transfer of college credit,[7] and it has been effective in lowering barriers to transfer among all elements of higher education in North Carolina.

The growth in college transfers in North Carolina in recent years reflects the readier acceptance of transfer credits by all kinds of institutions. In 1970, for example, there were 988 transfers from the community colleges into the constituent institutions of The University of North Carolina; in 1976, there were 1,984 such transfers. (In 1976, there also were 477 transfers into the Community College System institutions from The University of North Carolina.) For students in the college transfer program of a community college, virtually all college credits earned with a grade of C or better can be transferred to a constituent institution of The University, whether or not the transferring student has completed an Associate of Arts degree in the community college. The transfer of credit is also becoming much easier for students enrolled in the technical institutes, whose programs are primarily terminal in character -- that is, not primarily intended for transfer to another institution for credit towards a bachelor's degree. This result is achieved through contractual arrangements between the technical institute and The University's senior institutions, which will accept transfer of credits earned in the technical institute and which relate to particular degree programs in the senior institution, such as engineering technology.

---

[7] Publications sponsored by the Committee are Guidelines for Transfer (Chapel Hill: General Administration, The University of North Carolina, 1977), and Policies of Senior Colleges and Universities Concerning Transfer Students from Two-year Colleges in North Carolina, 1976-77 (Chapel Hill: General Administration, The University of North Carolina, 1976).

During 1975-76 and 1976-77, 3,010 students transferred to University institutions from community colleges, of whom 12.9 per cent were black, an increase from 7.4 per cent in 1974-75; 841 students transferred from technical institutes, of whom 24.4 per cent were black, an increase from 19.3 per cent in 1974-75.

For these reasons, The University of North Carolina believes it has already anticipated the intention of Criterion II-F, wherein it is asked to

> Commit the State to expand mobility between two year and four year institutions as a means of meeting the goals set forth in these criteria. [Criteria, p. 25]

2. Institutional Steps to Assure Effective Educational Opportunities Without Impediments Based on Race

a. Objectives

The University of North Carolina intends, first, that no black student shall be subjected to adverse racial discrimination in any area of his or her institutional experience, including academic experiences (such as evaluation of student performance) and nonacademic experiences (such as housing, student activities, and financial aid). The University recognizes, second, that insuring the absence of such racial discrimination against black students will not necessarily assure that identifiable possible needs of black students as a group are being addressed effectively. Thus, in any program designed to identify and respond to limitations in student capabilities that interfere with academic success, if the remedial needs of black students are found to differ materially from the remedial needs of white students, appropriate efforts will be made to address those different needs.

An element of the HEW Criteria that addresses students' educational experience and success (Criterion II-E) requires in pertinent part the taking of "all reasonable steps to reduce any disparity between the proportion of black and white students completing and graduating from the two year, four year, and graduate public institutions of higher education . . . ." The intent of this criterion is not clear. The University of North Carolina interprets it as envisioning the kind of commitments described in the preceding paragraph and as requiring comparison of graduation rates of black and white students, as groups, as one measure of the adequacy and success of those commitments.

b. Efforts and Achievements to Date

(1) Most of the constituent institutions have remedial education programs, and several have effectively used federal "Developing Institutions" funds to support them. The State Plan provided for a comparative evaluation of the remedial programs now being offered by 15 constituent institutions. It will be used to increase the effectiveness of all such programs.

(2) Further, the State Plan provided for the collection of retention data by race, to be used in evaluating institutional remedial programs and effecting changes in those or other programs in response to needs suggested by the data. The collection and use of these data have been accomplished and are continuing. As required by HEW, The University has identified and analyzed institutional results wherein the rate of progress by black students is less than that of white students by more than 25 per cent; the Office for Civil Rights is to review these analyses. In its 1976 and 1977 reports, The University identified only three institutions wherein this difference was exceeded, and in each instance the responsive analysis using OCR Form B-6 identified no racially

discriminatory causes therefor. The Office for Civil Rights has not responded to these analyses.

c. Anticipated Additional Achievements

(1) The established procedures for preventing and correcting racial discrimination in educational and student activities will continue.

(2) The Vice Presidents for Academic Affairs and for Student Services and Special Programs, together with the relevant institutional officials, will use the recently-completed study of remedial programs and the available degree completion data to initiate indicated changes in remedial programs that would, within current funding limits, identify any measures that would improve their effectiveness with regard to black students as a group particularly, and identify any additional appropriations that might be essential to realizing enhanced effectiveness. These steps will be accomplished in time for implementation no later than the expiration of the current State Plan (June 30, 1978).

These commitments should not be construed as implying either advantage or disadvantage to any racially identifiable group of students. All efforts to assist students in their efforts to realize a successful post-secondary educational experience are to be conceived and implemented on a nonracial basis. With reference to special educational assistance of a remedial or compensatory type, both black and white students are expected to need and to avail themselves of such services; to the extent that larger percentages of black students than of white students reveal such needs, larger benefits will be conferred on black students.

Individual student motivation, industry, and ability are key determinants of academic achievement. No student's race will be permitted to interfere with his or her success in applying those attributes; similarly, no student will be assured that he or she will succeed because of his or her race.

3. Participation of Black Students in Graduate and Professional Education Within The University of North Carolina

a. Objectives

The opinion of the United States Court of Appeals for the District of Columbia Circuit in the Adams litigation expresses that Court's view that:

> Perhaps the most serious problem in this area is the lack of state-wide planning to provide more and better trained minority group doctors, lawyers, engineers and other professionals. [Adams v. Richardson, 480 F. 2d 1159 at 1164-65 (D.C. Cir. 1973).]

The University of North Carolina agrees that an essential goal of full educational opportunity is the assurance that all students have equal access to, and support in, education that will prepare them for careers requiring graduate and professional training. And The University recognizes that for many reasons, black persons nationally (as well as other minority groups) have not shared proportionately in such academic training.

The University's traditionally black institutions have historically provided a substantial share of the nation's publicly-supported graduate and professional opportunities for black students. The University is committed to a similar role of leadership by its traditionally white institutions in the advanced training of black students, and those institutions have effectively assumed that role.

In The University today, black persons are not, on the ground of race, denied access to, excluded from participation in, or denied the benefits of any graduate or professional education program maintained by the constituent institutions of The University of North Carolina. On the contrary, the graduate and professional programs in the traditionally white institutions, as a group, have the highest proportions of black enrollment of any programs in those institutions. There is no segregation in those programs and, accordingly, no legal mandate to "desegregate" them. Those programs have provided considerable opportunities for black students and will continue to do so.

Recent statistics demonstrate The University's important national contribution to the preparation of black persons for the professions and other careers requiring post-baccalaureate preparation:

-- In 1975-76, 566 black students earned master's and intermediate graduate degrees in constituent institutions of The University, a figure constituting 12.8 per cent of such degrees conferred by those institutions during that period.

-- In the fall of 1976, the Medical School of The University of North Carolina at Chapel Hill enrolled 77 black students who constituted 13.8 per cent of its total enrollment, an increase from 57 black students and 12.0 per cent only two years earlier.

-- In the fall of 1976, the graduate schools of North Carolina State University at Raleigh and The University of North Carolina at Chapel Hill together enrolled 302 black students, comprising 4.6 per cent of their total graduate enrollment.

-- In the fall of 1976, the law schools of North Carolina Central University and The University of North Carolina at Chapel Hill together enrolled 166 black students, constituting 19.5 per cent of their total enrollment; 51 of these students were enrolled at The University of

North Carolina at Chapel Hill, constituting 7.8 per cent of that institution's law school enrollment.

A separate, substantial contribution of The University's past and present enrollment of black graduate students in its program in the field of education is that many of these students go on to teach in this State's public school system. Their training within The University enhances the quality of both education and integration in those schools. Their training in large numbers within The University's traditionally white institutions provides continuing and highly visible evidence to other prospective students that those institutions welcome and support qualified black students.

It should be noted here that The University already satisfies HEW's primary statistical Criterion II-C for demonstrating that its graduate and professional programs are "desegregated." That is, the percentage of black graduates of The University's undergraduate programs who pursue graduate and professional education opportunities within its constituent institutions is at least as high as the comparable percentage for its white students, as shown in Table IV-7. But more importantly, The Board of Governors believes that a focus on this measurement unduly and unsoundly constricts the opportunities of black students. The University's graduate and professional programs seek good students from all sources, not just its own institutions, and The University encourages its interested undergraduate students to go to the best graduate and professional schools to which they can obtain admission -- public or private, in this State or outside it. The University seeks such opportunities for black students no less than for white students, and it

Table IV-7

Ratio of Graduate and First Professional Students Enrolled in Constituent Institutions of The University of North Carolina, Fall 1976, Who Received Their Bachelor's Degrees from Constituent Institutions of The University of North Carolina, Compared to Bachelor's Degrees Awarded by The University, Academic Year 1975-76

	Bachelor's Degree Recipients, 1975-76		1976 Graduate and First Professional Students Who Have Undergraduate Degrees From The University of North Carolina		
	Number	Per cent	Number	Per Cent	Ratio
White	12,621	81.5%	5,354	79.2%	.424
Black	2,578	16.7	1,313	19.4	.509
Other	274	1.8	97	1.4	.354
Total	15,473	100.0	6,764	100.0	.437

achieves them in substantial part. Therefore, the University considers this criterion to be unsound and artificially constrained. The University "meets" the criterion, but it does not subscribe to a measurement which implicitly limits its efforts to seeking enrollment of qualified black graduate and professional students only from within The University, or which limits its efforts to encouraging such further study outside The University by its qualified black undergraduate students.

b. Efforts and Achievements to Date

The University has achieved the results discussed at the beginning of this section by vigorously pursuing a variety of efforts, ranging from more effective recruitment procedures within individual graduate and professional programs to specific, extensive financial measures. Of the latter, the most important have been the following:

(1) In 1974, the Board of Governors inaugurated a scholarship program to provide financial assistance for a total of 15 medical students entering and nominated by the medical schools of The University of North Carolina at Chapel Hill, Duke University, and Wake Forest University each year. These scholarships are intended for economically disadvantaged North Carolina students and provide a $4,000 stipend plus full tuition and fees for the duration of the students' undergraduate medical education (assuming satisfactory academic performance). Of the 60 students selected thus far, 38 have been black and 6 have been American Indians; 20 have been entering students at the medical school of The University of North Carolina at Chapel Hill.

(2) The University has undertaken a substantial enhancement of the educational program, staff, and physical resources of the

school of law at North Carolina Central University, whose student body is both predominantly black and substantially racially integrated. The University has provided major new resources for strengthening this school, including 3.5 million dollars for a new building.

(3) In recent years federal financial support for graduate and professional students has been severely curtailed, substantially diminishing the opportunities of many students of all races to pursue such education. In an attempt to offset the limits on further educational opportunities which these cutbacks have caused, The University has twice requested the General Assembly to appropriate funds for non-service scholarships and fellowships for needy North Carolina residents enrolled in graduate or professional programs within The University's constituent institutions. These requests, which the General Assembly was unable to support, totalled .85 million dollars over the academic years 1975-76 through 1978-79.

c. Anticipated Additional Accomplishments

The University will continue to provide effective support to its current programs and will accomplish such changes in them as continuing experience requires. For example, the new medical school at East Carolina University will participate in the Board of Governors' scholarship program beginning in 1978-79. Additionally, the Board will renew its request to the General Assembly, when it is afforded an opportunity to do so, for substantial non-service fellowship funds for needy North Carolinians enrolled in its graduate and professional programs. The University hopes that, if the needed funding could be obtained, accomplishments analagous to those brought about by the Board of Governors' Medical Scholars' Program could be obtained in other fields of study.

E. The Racial Composition of Staffs and Governing Boards as an Influence On Student Enrollment Patterns

1. Objectives

The staffs and governing boards of The University of North Carolina and of the constituent institutions are not now segregated by race; black citizens are not denied institutional employment or governing board membership, or discriminated against therein, on account of race.[8] The University subscribes unreservedly to the pertinent parts of the Constitutions of the United States and of North Carolina, to the requirements of Title VII of the Civil Rights Act of 1964, to the provisions of Executive Order 11246, as amended, and to all federal and state statutory and other policy pronouncements which mandate equality of employment opportunity without reference to race.

The State Plan affirms that the racial composition of staffs and governing boards can influence the decisions of students and prospective students to enter both the public postsecondary education systems and particular constitutent institutions therein. The human component of the educational environment may be presumed to be more attractive to a prospective student if members of his or her race are present in significant numbers on the staffs and governing boards of the system or institution by which he or she is being recruited or which he or she is considering. Thus, salutary changes in the multiraciality of staffs and governing boards can contribute significantly to realizing two principal objectives articulated in the State Plan and reaffirmed in the other sections of this Chapter IV of this State Plan, Phase II: increased black student participation generally, and increased racial integration of student populations.

---

[8] Indeed, with respect to The University, by express statutory presecription the membership of the Board of Governors is required to include a specified minimum number of black persons; the constitutionality of this statutory requirment currently is being challenged in a case pending before the United State District Court for the Eastern District of North Carolina, Poovey et al. v. Edmisten et al. (Civ. No. 77-0072-CIV-5; complaint filed March 31, 1977).

That increasing the multiraciality of staffs and governing boards will affect students' choices of institutions in a favorable manner is a premise entirely consistent with the legal mandate of Title VI of the Civil Rights Act of 1964. By virtue of the provisions of Section 604, Title VI does not address possible discrimination in employment *per se*; however, Title VI has been construed to take cognizance of any circumstances, including employment policies and practices, that may be shown to have a racially adverse effect on the consumers of federally-funded educational services -- in this instance, on the students who are the intended beneficiaries of Title VI. Stated less legalistically and in more positive terms, Title VI may be construed to require that employment policies and practices contribute to realizing primary Title VI objectives: here, furthering the racial integration of student populations within public systems of post-secondary education.

2. Efforts and Achievements to Date

In addressing the need to achieve increased multiraciality in staffs, the State Plan necessarily is premised on those legal authorities which expressly address and prohibit racial discrimination in employment. Thus the State Plan builds on the foundation supplied by Title VII of the Civil Rights Act of 1964 and Executive Order 11246, as amended; commitments beyond their requirements, for the supplemental purpose of addressing the broader issues treated by Title VI, must be consistent with their controlling prescriptions as to employment discrimination per se. The State Plan assumes that there is no racial discrimination in employment within The University of North Carolina, or that institutional procedures which have been established to prevent, detect, and correct such discrimination will be effective in doing so.

Therefore, the State Plan focused primary attention on efforts designed to further realize the "affirmative action" ideal, as most explicitly articulated by Executive Order 11246, as amended. That is, beyond merely assuring the absence of racial "discrimination," what additional progress toward racial "integration" in employment can be realized through a program of conscientious effort to change long-established patterns of employee distribution, regardless of whether such patterns are demonstrated to have derived from past discriminatory policies or practices? The University believes these "affirmative action" efforts under Executive Order 11246, as amended, and under the State Plan for the purpose of Title VI, are consistent and complementary in both purpose and effort. In the one case, the objective is to change and enhance employment opportunities for the intended employee beneficiaries of the Executive Order; in the other, to change and enhance educational opportunites for the intended student beneficiaries of Title VI.

Progress in improving the multiraciality of staffs and governing boards has been realized by The University of North Carolina since the inception of the State Plan.

The University's constituent institutions first submitted affirmative action plans to the Atlanta Regional Office for Civil Rights in

1973. The Atlanta Regional Office proposed changes in those plans, which were explored with that Office both orally and in writing, and final plans were then submitted by early 1975. Implementation of the plans was begun upon their submission; however the Atlanta Office has not commented on the plans as finally developed.

The institutional affirmative action plans anticipated the most favorable outcomes possible in faculty and other staff employment in view of each institution's own programs, needs for additional faculty, and ability to compete for faculty in the labor market generally. These goals were incorporated in the State Plan, and experience in implementing them provides the base on which this State Plan, Phase II will build.

The goals for increases in black faculty members at the traditionally white institutions were to increase black representation from the range of 0 to 4.6 per cent of faculty (Spring 1974) to a range of 1.7 to 6.9 per cent by the end of 1976-77. On October 1, 1976, the most recent date for which data are available, the total black full-time representation ranged from 0.0 to 4.4 per cent; black faculty members constituted 4.1 per cent of all full-time faculty members hired by the traditionally white institutions in the 12 months preceding October 1, 1976. Taking into account achievements in particular institutions and the availability of potential black faculty, The University believes these figures represent substantial but not uniformly sufficient progress.

On October 1, 1976, the range of black personnel in the OCR "Executive/Administrative/Managerial" category in the traditionally white institutions was 0 to 9.1 per cent (0 to 14.3 per cent excluding those with faculty rank). For the traditionally white institutions as a group, 2.8 per cent of all persons in this group were black (4.2 per cent excluding those with faculty rank); 1.6 per cent of those hired the 12 months preceding October 1, 1976, were black (4.4 per cent excluding those with faculty rank). Again with reference to particular institutions, The University believes these figures represent substantial but not uniformly sufficient progress.

For all other employment, a category including a wide variety of positions and duties, black representation in the traditionally white institutions is now 1.4 to 33.2 per cent. Notable successes have been achieved in specific areas that are highly visible to students and thus of high symbolic importance in demonstrating institutional openness to people of all races (and both sexes), ranging from admissions and financial aid officers to security personnel. On the whole, The University believes these results are substantial.

The institutional efforts were supported by a number of activities undertaken or directed by The University's General Administration, as set out in the State Plan. These included semi-annual meetings between the institutional chief academic officers and the Vice President for Academic Affairs to monitor affirmative action progress, a voluntary central listing service for faculty positions and applicants, and a voluntary faculty exchange program among constituent institutions. Because these actions did not appear to enhance significantly the institutional efforts, The University will consider means of more effective assistance and guidance.

The University accomplished two major initiatives in the State Plan designed to increase availability of potential new black faculty and administrators and to support faculty development at the traditionally black institutions. All The University's graduate and professional programs have reviewed their efforts to admit and train black students, and the General Administration staff has used those reviews to assure that efforts throughout The University in this area are complementary and effective. As the statistics in Chapter III herein demonstrate, The University's enrollment of black first professional and doctoral candidates has grown significantly and materially exceeds national achievements. The University hopes these trends will soon produce increased numbers of black applicants for faculty positions at the traditionally white institutions and in the Community College System. Additionally, The University continued its financial support for faculty development at the traditionally black institutions over and above general faculty development funds, a program of supplemental appropriations that generated $675,000 in ad hoc funds in the period 1967-68 to 1973-74 and has been a regular annual appropriation item since then.

With regard to governing boards, the State Plan committed both the Governor and the Board of Governors to continue efforts to increase representation of black and white board members at traditionally white and black institutions, respectively. Following the most recent appointments in June 1977, 16 per cent of the members of the Board of Governors are black, the boards of the traditionally white institutions are 8 to 15 per cent black, and the boards of the traditionally black institutions are 23 to 62 per cent white. Additionally, the board of the traditionally white institution which formerly had a particular role of special service to American Indians is 46 per cent American Indian, and the boards of two traditionally white institutions in areas with relatively high American Indian populations are each 8 per cent American Indian. The University believes these figures represent significant multiraciality in all The University's governing boards, reflecting increases therein during the period of the State Plan.

3. Anticipated Additional Achievements

Through the adoption of this State Plan, Phase II, The University of North Carolina reaffirms its commitment to the increased multiraciality of staffs and governing boards. The fundamental medium for accomplishment will continue to be the existing or developing "affirmative action" programs, which either are expressly predicated on the requirements of Executive Order 11246, as amended, or are modeled on its requirements. The processes and standards for "affirmative action" under the Order are by definition designed to produce the most favorable changes possible in the employment of black persons (as well as women and various national origin minorities), and to anticipate those changes numerically, with due and necessary reference to applicant availability and qualifications within the context of institutional needs and resources.

Importantly, State Plan, Phase II refines and adds to a series of activities under the State Plan that are undertaken by The University of North Carolina as a whole, rather than by its constituent institutions individually. As a whole, the State Plan, Phase II is designed to enhance the effectiveness of institutional affirmative action plans for the purpose of enhancing student integration; to increase the availability of black persons who are potentially qualified as faculty members and administrators, drawing on current faculties and on University graduate and professional programs; and to improve the quality of faculty at the traditionally black University institutions, so as to improve their abilities to attract students and educate them successfully.

All of the current institutional affirmative action plans implemented under the terms of Executive Order 11246, as amended, expire by the end of the coming academic year, and new plans will be completed, submitted to the Atlanta Regional Office for Civil Rights, and implemented during that year -- that is, by June of 1978. These plans will be developed with the assistance of and reviewed by the office of the Vice President for Academic Affairs prior to their submission.

Based on those changes and the already considerable results obtained under the State Plan, The University expects that significant numerical goals for employing black faculty and administrators generally (as well as other minorities and women) will be posited in renewing the affirmative action plans. At the same time, the nature of these goals and the institutions' ability to meet them will properly be defined by a number of factors recognized in the Executive Order, including most prominently the extent to which employment patterns already reflect availability of qualified potential candidates, and the extent to which such candidates can be induced actually to apply for positions and accept them once offered.

The Vice President for Academic Affairs will call on the chief academic officers to expand significantly their role in renewing and monitoring the affirmative action plans. A principal responsiblity of that group will be to determine whether the central faculty position and applicant listing service will contribute to increased employment of black faculty (and other minorities and women) if all positions are automatically referred to it and publicized through it.

Institutional progress in employment outside administrative and faculty positions has been substantial. In June 1977, through the President's office, The University committed itself to work with the State's central personnel agency in the Department of Administration in securing resources for centralized affirmative action support for non-academic institutional employment. Together with that focus, the review of institutional procedures that will occur in renewing the affirmative action plans will assure that significant institutional goals for affirmative action will again be posited wherever necessary under the analyses required by the Executive Order.

The University commits itself to continue the graduate and professional and faculty development efforts already in existence to increase the supply of potentially qualified black faculty and administrators who are familiar with this University and known within it.

In summary, the commitments described in this section begin with effective policies of nondiscrimination and equal employment opportunity. Through institutional affirmative action, and appropriate assisting service from the General Administration, they then seek to increase further the multiraciality of institutional faculties, staffs, and governing boards. The University believes that such increases, developed pursuant to the analyses recognized under Executive Order 11246 for defining necessary and possible affirmative action, will help demonstrate the openness of all institutions to students of all races -- and particularly, that such a result will induce more black and white students to seek their education in the traditionally white and black institutions of The University, respectively.

The State Plan, Phase II thus commits the public higher education systems to continuing and improving existing affirmative action efforts, addressing the need for increased racial integration within both staffs and governing boards. The goals and programmatic efforts here adopted are entirely consistent with the fundamental intentions of the Department of Health, Education, and Welfare as those may be inferred from many elements of the Criteria. Other elements of the Criteria, however, appear inconsistent with the mandates of Executive Order 11246, which HEW also administers and on which the State Plan, Phase II seeks to build. With respect to those elements of the Criteria, this State Plan, Phase II adopts alternative commitments in the belief that they will better achieve the goals of Title VI as well as meet the responsibilities enjoined by Title VII and Executive Order 11246.

V

CONCLUSION

The Board of Governors of The University of North Carolina affirms the commitment of The University to the three basic goals of the 1974 *Revised State Plan for the Further Elimination of Racial Duality*:

1. *To increase the proportion of black citizens availing themselves of higher educational opportunities in The University of North Carolina*;

2. *To encourage further racial integration of the student populations of The University of North Carolina*; and

3. *To insure that the quality of educational opportunities available to both black and white citizens in the constituent institutions of The University of North Carolina is equally high*.

In this *State Plan, Phase II*, the Board of Governors of The University of North Carolina commits The University and its constituent institutions to specific positive actions toward further achievement of these goals; where feasible, the Board will define numerical measures for assessing the extent of those achievements. In honoring here the commitment made in 1974 to revise and extend the *State Plan*, this *State Plan, Phase II* applies principles and policies that are intended to meet the higher education needs of all the people of North Carolina, and adopts goals and practices that can realistically be expected to insure further progress in ending racial duality within The University.

The Board of Governors believes this *State Plan, Phase II* to be a legally sufficient response on the part of The University of North Carolina to the requirements of Title VI of the Civil Rights Act of 1964. The Board believes also that this is an educationally sound response. In preparing this *State Plan, Phase II*, the Board has sought to identify and to be responsive to the underlying objectives of the Criteria issued in July, 1977, by the Department of Health, Education, and Welfare as a result of the April 1, 1977, order of the United States District Court for the District of Columbia in the Case of Adams v. Califano, since these Criteria are understood to express the views of HEW as to the requirements of Title VI. The Board rejects the Criteria's assertion that The University of North Carolina remains "segregated." Further, the Board does not accept those Criteria that it believes to be legally unnecessary or educationally unsound, or that establish measures of progress toward the further elimination of racial duality that are arbitrary, mechanistic, or unrealistic.

In developing the specific commitments and goals summarized below, The University has benefitted from three varieties of resources and experience that were not available to it in preparing the State Plan in 1974.

First, The University can build on the progress made toward the State Plan's goals over the past three years. This progress includes: (1) greater participation by black students in all areas and levels of public higher education in North Carolina, both absolutely and proportionately; (2) greater integration of the student bodies of all of the constituent institutions; and (3) significant progress in strengthening The University's traditionally black constituent institutions.

Second, The University now has adopted a long-range plan and a defined planning process. Through the substantive and procedural aspects of the Long-Range Plan, the Board of Governors has more effective means of addressing the further elimination of racial duality.

Third, The University is better able than it was in 1974 to define the extent to which there are countinuing special needs it may or should be able to meet for black students, and what limits on those opportunities it can and should realistically consider. The data presented in Chapter IV demonstrate that North Carolina provides educational opportunities for black students at all levels and in all areas of its institutions of public higher education that compare favorably with national averages and with many other states in various regions of the country.

The University of North Carolina commits itself herein to increasing the participation of black students in all its constituent institutions insofar as that is possible. The University further commits itself to encourage changes in enrollment patterns that will decrease the racial identifiability of all its institutions. To this end, it will continue the "minority presence" grant program, and it will request current operating funds to support all anticipated enrollment growth in 1978 for the 1978-79 academic year and in all subsequent biennial budget requests.

The University's commitments will be accompanied by numerical measures of anticipated change, to be developed within The University's regular planning procedures in the fall of 1977, insofar as historic enrollment patterns and influences and other pertinent factors permit such measures to be made with confidence. Numerical measures will be projected in terms of total institutional enrollments, rather than restricted, as the Criteria suggest, to the attendance of Freshmen who are graduates of North Carolina high schools and first-time undergraduate transfer students, or to entering graduate and professional students who have taken their baccalaureate degrees in institutions of The University. These measures will include both traditionally white and traditionally black institutions. These methods are adopted in the belief that total institutional enrollments better reflect both the breadth of service which The University seeks to render, and also, in this particular context, the actual extent of the integration of its institutions.

In summary, to promote the further elimination of racial duality, these steps, as described in Chapter IV, will be taken:

1. The University will work to increase the enrollment of black students.

The institutions, with the assistance and support of the General Administration, will improve their efforts (a) to assure prospective black students that there are no racial barriers to access to The University; (b) to publicize among prospective black students the availability, nature, and value of the educational opportunities provided by The University; (c) to recruit prospective black students; (d) to continue to reduce financial barriers to attendance at institutions of The University; and (e) to evaluate the validity and effect of institutional admissions policies and to amend or revise those policies where experience indicates that change is appropriate.

2. The University will seek to increase the enrollment of black students at traditionally white University institutions and of white students at traditionally black University institutions.

Steps taken to achieve this objective will include continued efforts (a) to maintain the "minority presence" grant program or other special scholarships designed to encourage prospective students to enroll in institutions wherein they would be in the racial minority; (b) to assure that access to programs, services, facilities, and activities obtains in all constituent institutions without regard to race and that any racially discriminatory policies or practices are promptly identified and eliminated; (c) to plan and implement any interinstitutional cooperative programs or exchanges that would facilitate this objective; and (d) to maintain the effective transfer relationships among University institutions and between institutions of the Community College System and University institutions.

3. The University will seek to increase the enrollment of black students at traditionally white institutions.

To further this objective, efforts will continue (a) to evaluate admissions standards, and to use nontraditional bases for assessing student potential that may be found to be valid; and (b) to evaluate and improve remedial educational programs.

4. The University will seek to increase the enrollment of white students at traditionally black University institutions.

Efforts to improve the educational programs and services of the traditionally black institutions, consistent with their educational missions, will further this objective by overcoming deficiencies that may have impeded their enrollment growth generally and enrollment of white students specifically.

5. The University will seek to increase the successful undergraduate matriculation of black students.

To further this objective, institutions will (a) initiate any indicated changes in remedial education programs that would improve their effectiveness with regard to black students as a group, within the limits of resources and consistent with their educational missions; and (b) identify the need for, and seek, additional appropriations that might be essential to enhance such programs.

6. The University will continue its efforts to expand graduate and professional education opportunities for black persons.

These efforts will include (a) the continuation of institutional activities to increase black students' enrollment in their graduate and professional programs; (b) the continuation of the Board of Governors' Medical Scholarship program for economically disadvanted North Carolina students; and (c) a renewal of the Board of Governors' request for funds to provide fellowships for graduate and professional study in other fields.

7. The University will continue its efforts to increase the attractiveness of all institutions to students of all races by increasing the multiraciality of their facilities, staffs, and governing boards.

In support of these efforts, (a) institutional affirmative action plans pursuant to the requirements of Executive Order 11246 will be revised with new objectives defined for the employment of additional minority faculty at the traditionally white constituent institutions; (b) better cooperative relationships will be established with the State's central personnel agency to enhance institutional affirmative action for non-academic employment; and (c) there will be a continuing address of the need to insure the multiraciality of institutional boards of trustees.

A significant portion of this State Plan, Phase II addresses The University's traditionally black constituent institutions. These traditionally black institutions have clearly defined missions, and a range of academic programs and supporting resources comparable to those of the traditionally white institutions having similar missions. The University has sought to assure the continued strengthening of the traditionally black institutions, as described in Chapter III, both to provide a more effective education for the students who attend these institutions, and to contribute as well to the further integration of their student bodies. Therefore, the Board of Governors is committed to these actions:

1. Funds necessary to establish parity in the level of State funding for teaching positions among the comprehensive universities and among the general baccalaureate universities, effective July 1, 1978, will again be

requested from the General Assembly during its 1978 session; and funds needed for maintaining parity within each institutional grouping will be sought in subsequent biennial budget requests. These funds will assure parity in the level of State support of faculty positions among both the traditionally black and traditionally white institutions having comparable missions.

2. Funds for faculty development in the amount of $200,000 for paid doctoral study leaves will again be requested from the General Assembly during its 1978 session for use during the 1978-79 academic year. Efforts will thereafter be made to obtain funds needed to continue this program in the 1979 and 1981 biennial budget requests, in the light of evaluations of the program that will be made. These funds will be intended primarily to increase the proportion of faculty at the traditionally black institutions who possess the doctoral degree, and thus to contribute to alleviating the national shortage of black persons possessing this degree qualification. Accordingly, initial attention will be given to award of funds to qualified black faculty members in the traditionally black institutions.

3. The Board of Governors will continue its efforts to gain appropriations needed to improve remedial education programs. Specifically the Board will request $900,000 from the General Assembly in 1978 for the 1978-79 academic year, and it has allocated $62,000 annually as budget support for monitoring these programs, and other activities related to this State Plan, Phase II through the Office of the President.

4. A special addendum to the Comparative Study of the Five Historically Black Constituent Institutions will be made during the 1977-78 academic year to identify any deficiencies in the physical plants and in the plant maintenance programs at the traditionally black institutions.

APPENDIX

Note to Appendix

The following document is the full text of the Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education, as filed with the United States District Court for the District of Columbia on July 5, 1977, and incorporating amendments to those Criteria proposed by the Department of Health, Education, and Welfare and transmitted to Governor James B. Hunt, Jr., on July 29, 1977. Language that the amendments would delete from this text has been stricken through and language that the amendments would add has been inserted in italics. At the time the State Plan, Phase II was adopted by the Board of Governors, the Judge had not ruled on the Department's motion for leave to file amended criteria; however, the State Plan, Phase II has been written on the assumption that the motion will be allowed and the amendments will be made as requested by the Department.

This page added

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KENNETH ADAMS, et al.,

Plaintiffs,

v.

Civil Action No. 3095-70

JOSEPH A. CALIFANO, JR., Secretary
of the Department of Health, Education
and Welfare, et al.,

Defendants

MOTION FOR LEAVE TO FILE AMENDED CRITERIA SPECIFYING THE INGREDIENTS OF ACCEPTABLE PLANS TO DESEGREGATE STATE SYSTEMS OF PUBLIC HIGHER EDUCATION

Defendants, by their undersigned attorneys, respectfully move this Court for leave to file Amended Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education (appended hereto) to replace the Criteria originally submitted to the Court on July 5, 1977. In addition to correcting typographical errors, and inserting the word "traditionally" before the words "white institutions" and "black institutions" consistently throughout the Criteria, the following modifications have been made:

1. Paragraph I, F (p. 20) has been amended to state:

F. Commit the state to advise OCR of proposed major changes in the mission or the character of any institution within the state system which may directly or indirectly affect the achievement of its desegregation goals prior to their formal adoption.

Such proposed changes include but are not limited to: the establishment or major expansion of new programs of study, of departments or institutions; the alteration of two year to four year institutions; the conversion of a private to a public institution, or the closing or merger of institutions or campuses.

2. The word "proportion" replaces the word "enrollment" in II.B (1), line 3 (p. 22), and in II.D., line 1 (p. 24).

3. A footnote, designated after the word "entering" in II.B (2) on Page 23, explains that:

> 8/ For the purposes of this subsection, the term entering includes first-time transfers from two year and other institutions.

4. The phrase "and upper division" is added after the words "white four year" in II.B (2), line 3 (p. 23).

5. The word "field" is substituted for the word "area" in the last line on page 23.

6. The phrase "from each state" is inserted between "blacks" and "who enroll" in line 11, page 24.

7. The definitions of "Student" and "Faculty" in V, D. and E. (pp. 34, 35) are revised as follows:

D. "Student" means any person enrolled in an instructional program, whether full-time or part-time, subject to exceptions to be specified by the Office for Civil Rights.

This page added

E. "Faculty" means all persons employed by an institution as full-time instructional personnel.

Respectfully submitted,

BARBARA A. BABCOCK
Assistant Attorney General

Earl J. Silbert
United States Attorney

David J. Anderson
Chief General Litigation
Civil Division

Robert J. Franzinger
Attorneys For Defendants
U.S. Department of Justice
10th & Constitution Avenue, N.W.
Washington, D.C. 20530

This page added

Definition of "Student"

"Student" means any person enrolled in an instructional program, whether full-time or part-time, with the following exceptions:

(1) Students in noncredit adult education courses;

(2) Students taking courses at home by mail, radio, or television;

(3) Students enrolled only for "short courses";

(4) Auditors;

(5) Students studying abroad if their enrollment at the reporting institution is only an administrative record and the fee is nominal;

(6) Students in any branch campus or extension center in a foreign country;

(7) High school students taking college courses;

(8) Students known to be enrolled concurrently at another college or university, if the latter will report their enrollment.

This page added

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KENNETH ADAMS, et al.,

Plaintiffs

Civil Action No. 3095-7

v.

JOSEPH A. CALIFANO, JR., Secretary
of the Department of Health, Education
and Welfare, et al.,

Defendants

ORDER

This matter having come before this Court on the motion of defendants for Leave to File Amended Criteria Specifying Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education, it is this ___ day of _______, 1977, hereby ORDERED

That defendants' motion be and hereby is granted.

THE HONORABLE JOHN H. PRATT
UNITED STATES DISTRICT COURT JUDGE

This page added

CERTIFICATE OF SERVICE

I hereby certify that on this ___ day of July, 1977, I served the foregoing Motion and Amended Criteria by first class mail, postage prepaid to:

John Silard, Esquire
Rauh, Silard and Lichtmen
1001 Connecticut Avenue, N.W
Washington, D.C. 20036

Bill Lann Lee,
NAACP Legal Defense & Education
Fund, Inc.
10 Columbus Circle
New York, New York 10019

Herbert O. Reid Sr.
Counsel for the National Association
for Equal Opportunity in Higher Education
Howard University Law School
2935 Upton Street
Washington, D.C. 20008

Robert J. Franzinger

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KENNETH ADAMS, et al.,

Plaintiffs,

v.

JOSEPH A. CALIFANO, JR., Secretary of the Department of Health, Education and Welfare, et al.,

Defendants.

Civil Action No. 3095-70

CRITERIA SPECIFYING THE INGREDIENTS OF ACCEPTABLE PLANS TO DESEGREGATE STATE SYSTEMS OF PUBLIC HIGHER EDUCATION

In late 1969 and early 1970, the Department of Health, Education and Welfare (HEW) notified ~~the states~~ *ten states* that they had not dismantled their statewide dual systems of public higher education. The letters sent by HEW at that time advised each state of its failure to adopt measures necessary to overcome the effects of past segregation and notified the states of their obligation to file a statewide plan for the desegregation of their public systems of higher education.

For the past seven years this Court has reviewed HEW's efforts to desegregate these systems of higher education. Three months ago, this Court found that the Department's effort had not been adequate and directly ordered the Department to require six of the original ten states to submit new desegregation plans and to set specific standards for those plans.

The Court found that "specific commitments (were) necessary for a workable higher education desegregation plan ... concerning admission, recruitment and retention of students, concerning the placement and duplication of program offerings among institutions, the role and the enhancement of black institutions, and concerning changes in the racial composition of the faculties involved."

Specifically, this Court entered a Second Supplemental Order directing the Department to transmit to the six states of Arkansas, Florida, Georgia, North Carolina, Oklahoma, and Virginia as well as the Court and the plaintiffs criteria specifying the ingredients of acceptable desegregation plans for their institutions of public higher education.

This Court further directed that HEW require each state to submit, within 60 days of receipt of the criteria, a revised desegregation plan and to accept or reject such desegregation plan 20 within 120 days thereafter.

Where HEW has found a violation of Title VI of the Civil Rights Act of 1964, it is required first to attempt to secure compliance by voluntary means. When those efforts fail, HEW is required to seek enforcement either administratively or through the courts. 42 U.S.C. §2000d-1; 45 C.F.R. 80.7(d)(1), 80.8. These criteria are issued to assist the states in the preparation of desegregation plans as part of the process of securing voluntary compliance.

HEW has developed the attached criteria mindful of the instructions of this Court that the criteria comply with constitutional standards and Title VI, conform with sound educational practices, and take into account the unique importance of black colleges.

PREAMBLE

I. HISTORY OF LEGAL PROCEEDINGS

The criteria set forth below have been developed by the Department of Health, Education, and Welfare (HEW) pursuant to the specific direction of the United States District Court for the District of Columbia in Adams v. Califano, Civil Action No. 3095-70, Second Supplemental Order (D.D.C. April 1, 1977). The Court's Order arises out of a lawsuit initiated in 1970 to require HEW to take action to enforce the provisions of Title VI of the Civil Rights Act of 1964. 1/

In 1969, the Office for Civil Rights, OCR, determined that ten states 2/ were continuing to operate segregated higher education systems in violation of Title VI of the 1964 Civil Rights Act. Although the states were notified of this finding and were requested to submit corrective plans, no administrative enforcement actions were taken when the states failed to submit plans or submitted plans unacceptable to HEW. In February 1973, the Adams litigation resulted in a ruling requiring that HEW take appropriate enforcement action. Adams v. Richardson, 356 F. Supp. 92 (D.D.C. 1973).

1/ Title VI of the Civil Rights Act of 1964 provides: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." 42 U.S.C. 2000d.

2/ Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, Pennsylvania, and Virginia.

That ruling was unanimously affirmed by the full United States Court of Appeals for the District of Columbia Circuit, although the Court of Appeals modified the District Court's order and directed HEW to attempt to secure acceptable desegregation plans from the ten states before commencing enforcement proceedings. Adams v. Richardson, 480 F.2d 1159 (D.C. Cir. 1973).

In 1974, HEW accepted desegregation plans from eight of the ten states. 3/ Reports covering the first year of implementation were submitted to HEW in 1975. Subsequently, the plaintiffs in the Adams case sought further relief and on April 1, 1977, the Court ruled that the 1974 plans did not comply with the criteria previously announced by HEW and that as implemented the plans had failed to achieve significant progress toward higher education desegregation. Based on these findings, the Court ordered HEW to develop and issue within 90 days specific criteria to guide the six states 4/ in the preparation of revised desegregation plans.

3/ Louisiana refused to submit a plan and was referred to the Department of Justice, which filed a lawsuit, (United States v. (Louisiana), Civil Action No. 74-68 (M.D. La.) in January 1974. The plan submitted by Mississippi was deemed unacceptable by HEW and the matter was referred to the Department of Justice, which filed a lawsuit, Ayers and United States v. Finch, Civil Action No. D.C. 75-9-K (N.D. Miss.), in March 1975.

4/ The April 1, 1977, Order excludes Pennsylvania (by agreement of the parties to the Adams lawsuit) and Maryland, which commenced a separate injunctive suit against HEW's enforcement proceedings now pending in the United States Court of Appeals for the Fourth Circuit (Mandel v. HEW, No. 76-1494), as well as Louisiana and Mississippi.

II. LEGAL AND EDUCATIONAL PRINCIPLES

A. De jure segregation

These criteria apply to six states that operated racially segregated systems of public higher education under state law. The Office for Civil Rights found that the continuing racial patterns among institutions reflect the states' failure to remove the vestiges of the state imposed racial segregation in violation of Title VI.

B. Affirmative duty to take effective steps to eliminate de jure segregation

Where there has been past de jure segregation, states are required to take affirmative remedial steps and to achieve results in overcoming the effects of prior discrimination. HEW's regulation implementing Title VI provides that

> In administering a program regarding which the recipient has previously discriminated against persons on the ground of race . . . , the recipient must take affirmative action to overcome the effects of prior discrimination. 45 C.F.R. 80.3(b)(6)(i).

The 14th Amendment also calls for more than mere abandonment of discrimination through the state's adoption of passive or neutral policies. The United States Supreme Court has held that public school officials have "the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." Green v. County School Board of New Kent County, 391 U.S. 430, 437-38 (1968).

editorial change (1)

The affirmative duty to desegregate applies with equal force to higher education. *Norris* v. *State Council of Higher Education*, 327 F. Supp. 1368 (E.D. Va. 1971), *aff'd per curiam*, 404 U.S. 907 (1971); *Lee* v. *Macon County Board of Education*, 267 F. Supp. 458 (M.D. Ala. 1967), *aff'd*, 369 U.S. 215 (1967); *Geier* v. *Dunn*, 337 F. Supp. 573 (M.D. Tenn. 1972). Additionally, the Supreme Court has made it clear that desegregation plans are not adequate unless they are effective. *See Green* v. *County School Board of New Kent County*, *supra*; *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971).

Consistent with the requirements of Title VI these criteria set forth the elements of a desegregation plan which would eliminate the effects of past discrimination.

C. *Statewide approach*

The Court of Appeals in its *en banc* opinion in *Adams* directed HEW to undertake a statewide approach and noted the serious problem created by the lack of viable statewide coordinated planning in higher education:

> The problem of integrating higher education must be dealt with on a statewide rather than a school-by-school basis. 10/
>
> 10/ It is important to note that we are not here discussing discriminatory admission policies of individual institutions. To the extent that such practices are discovered, immediate corrective action is required, but we do not understand HEW to dispute that point. This controversy concerns the more complex problem of systemwide racial imbalance.
> *Adams* v. *Richardson*, *supra*, 480 F.2d at 1164-1165 (footnote in original).

The Department has followed this approach since 1969 because we believe statewide planning is consistent with sound educational policy. Thus, these criteria require not only that each institution pursue nondiscriminatory student admission and faculty and staff employment practices, but also that the state system as a whole develop a comprehensive and coordinated statewide desegregation plan embodying those specific affirmative, remedial steps which will prove effective in achieving significant progress toward the disestablishment of the structure of the dual system and which address the problem of "systemwide racial imbalance."

D. Specificity--goals and timetables

The District Court in *Adams* concluded that the plans previously adopted by the states had failed to achieve adequate desegregation progress and lacked specific commitments for change as concerns the desegregation of student bodies and faculties, enhancement of traditionally black institutions, and desegregation of the governing boards in higher education systems.

The District Court directed HEW to prepare criteria which would identify for the states the specific elements to be included in their revised desegregation plans. As the District Court stated in response to plaintiffs' oral argument on January 17, 1977:

> What I do want them to do though is be under the compulsion of a court order to submit to the states certain *specific* requirements which the states must respond to and they should be given a timetable for communicating with the states, and the states

> should be given some kind of timetable within which to make response. (Transcript, January 17th ruling; emphasis supplied.)

In Geier v. Blanton, 427 F. Supp. 644 (M.D. Tenn. 1977), the Court quoted its Order of December 23, 1969, expressing its dissatisfaction with a state submitted desegregation plan in that the plan as submitted "lacks specificity, in that there is no showing of funds to be expended, no statement of the number of students to be involved, and most importantly, no time schedules for either the implementation of the projects or the achievement of any goals." 427 F. Supp. at 646.

The Supreme Court has maintained that in a system with a history of segregation there is a need for remedial criteria of sufficient specificity to assure compliance with the law. See Swann, supra at 25-26.

With respect to the six states here involved, the need to require specific goals and timetables is founded in the comparatively small numbers of black students attending the traditionally white four year institutions and completing graduate training. Further, the numbers of black faculty employed at ~~the~~ these white institutions have remained small. Moreover, traditionally black institutions have not been given the facilities, programs, or status comparable to traditionally white institutions.

In keeping with the Court's view that the Department should submit specific requirements to the states, numerical goals and timetables are set forth in the criteria. The goals are established as indices by which to measure progress toward the objective of eliminating the effects of unconsitutional de jure racial segregation and of providing equal educational opportunity for all citizens of these states. They are benchmarks (brenchmarks)and provide (provides) the states the clear and specific guidance called for the Court.

These goals are not quotas. The Department is opposed to arbitrary quotas. Failure to achieve a goal is not sufficient evidence, standing alone, to establish a violation of Title VI. In addition, the Office for Civil Rights upon a showing of exceptional hardship or special circumstances by a state, may modify the goals and timetables. Nevertheless, the states are under a statutory obligation to devise and implement plans that are effective in achieving the desegregation of the system.

Most importantly, under these criteria and the goals they set, all applicants must be able to compete successfully. States' efforts under these criteria need not and should not lead to lowering academic standards. States may need to innovate in seeking out talented students who will profit from higher education. They may need to broaden definitions of potential; to discount the effects of early disadavantage on the development of academic competence; and to broaden the talents measured in admissions tests. But new and different yardsticks for measuring potential are not lower standards. They can be more valid measures of true potential and talent. Taken as a whole, these criteria seek to preserve and protect academic standards of excellence.

E. Special considerations in developing criteria for desegregation in higher education

A state system of higher education, as with an elementary and secondary school district, is held to an affirmative duty to take remedial action to correct past practices of segregation and discrimination. However, the nature of the remedial action required of a higher education system will differ from that required of a local education district. The Court of Appeals in Adams noted:

> However, we are also mindful that desegregation problems in colleges and universities differ widely from those in elementary and secondary schools, and that HEW admittedly lacks experience in dealing with them .... As regrettable as these revelations are, the stark truth is that HEW must carefully assess the significance of a variety of new factors as it moves into an unaccustomed area. 480 F.2d at 1164.

In Norris v. State Council of Higher Education, 327 F. Supp. 1368, 1373 (E.D. Va. 1971), aff'd per curiam, 404 U.S. 907 (1971), the court held:

> The means of eliminating discrimination in public schools necessarily differ from its elimination in colleges, but the state's duty is as exacting.

And in Sanders v. Ellington, 288 F. Supp. 937, 943 (M.D. Tenn. 1968), the court stated:

> Now in considering the time element for presentation of a plan, I have thought of the

> complexities of the problem. I recognize that the simple remedies which might be available to a county school board where there is involved a compulsory system of education, a free system of education, and assignment of students, are not available here. Colleges are not compulsory and everyone can testify that they're not free.

Higher education differs from elementary and secondary education in many other ways. Besides being voluntary rather than compulsory, higher education operates on a statewide or regional basis, not local; there no are no "attendance zones" in higher education; higher education programs vary from institution to institution and are not uniform; students are free to leave the state or to attend private colleges in pursuit of a higher education.

Furthermore, from state to state significant differences are to be found and must be taken into consideration. In some states strong centralized "system"/*sic* exists including four year and two ~~a~~ year institutions; in others, the four year and two year institutions report to separate boards; in yet others, each institution operates under its own independent board. While none of these differences relieves a state of its obligations under Title VI or its constitutional duties, they must be taken into account in fashioning an appropriate set of criteria to be applicable to six states.

Accordingly, while desegregation cases involving individual elementary and secondary school districts are a guide to a state's duty to take corrective action, they are not dispositive of the particular methods to be designed for the dismantling of a dual system of higher education, for the desegregation of a statewide system, for the removal of the vestiges of racial segregation, and for the correction of "system-wide racial imbalance." As the courts in *Adams* have noted, these are indeed "complex" issues. These criteria are designed specifically for the higher education systems of these six states based on a careful consideration of relevant statutes and court opinions and with due consideration to the unique characteristics of higher education.[5]

F. The unique role of the traditionally black colleges

In keeping with the instructions of the Court, the criteria recognize the unique importance of black colleges in meeting the educational needs of black students. More than 80 percent of all black college graduates have been trained at black colleges.[6] In the mid-seventies, black colleges continue to graduate almost forty percent of all blacks who receive college degrees.[7]

Thus it is with good reason that the Court of Appeals in *Adams* recognized the need to take into account "the special problems of black colleges."

5/ For a useful discussion of these issues see Note, "The Affirmative Duty To Integrate Higher Education," 70 *Yale Law Journal* 666 (1970).

6/ See Elias Blake, "Public Policy and the Higher Education of Black Americans," Staff Report, Subcommittee on Constitutional Rights of the Committee on the Judiciary, 94th Cong. 2d Sess. 1976.

7/ National Center for Education Statistics, Earned Degrees Survey, 1975-76.

> Perhaps the most serious problem in this area is the lack of state-wide planning to provide more and better trained minority group doctors, lawyers, engineers and other professionals. A predicate for minority access to quality post-graduate programs is viable, co-ordinated state-wide higher education policy that takes into account the special problems of minority students and of Black colleges....[T]hese Black institutions currently fulfill a crucial need and will continue to play an important role in Black higher education. 480 F.2d at 1164-1165.

Again in 1977, the District Court in its Second Supplemental Order, p. 4, quoted the above language of the Court of Appeals and went on to state:

> The process of desegregation must not place a greater burden on Black institutions or Black students' opportunity to receive a quality public higher education. The desegregation process should take into account the unequal status of the Black colleges and the real danger that desegregation will diminish higher education opportunities for Blacks. Without suggesting the answer to this complex problem, it is the responsibility of HEW to devise criteria for higher education desegregation plans which will take into account the unique importance of Black colleges and at the same time comply with the Congressional mandate.

The Department does not take this language to mean that *the traditionally* /black institutions are exempt from the Constitution or the requirements of Title VI. To the contrary, traditionally black and traditionally white institutions are subject to the same constitutional and congressional mandate to provide an education to all citizens without discrimination or segregation. White and black institutions are to function as part of a unitary system free of the vestiges of state imposed racial segregation. However, as the Court has instructed, the transition to a unitary system must not be accomplished by placing a disproportionate burden upon black students, faculty, or institutions or by reducing the educational opportunities currently available to blacks.

To achieve the objective of Title VI, precise methods will need to be fashioned for different institutions within a state, each appropriate to the task of overcoming the effects of prior discrimination in the particular instance. Each method will be enforced with equal force and determination. Each method is designed to achieve the same constitutional standard.

III. CONSULTATION PROCESS

In the preparation of these criteria, the Department undertook an extensive consultation process within the Department and with interested outside parties. In an effect (effort) to assure that these criteria are both legally and educationally sound, a departmental task force was established to guide their development. The task force combined the multiple disciplines and varied expertise needed to resolve the complex issues and educational policies involved in this desegregation process. Serving on the task force were the General Counsel, the Director of the Office for Civil Rights, the Assistant Secretary for Education, the Commissioner of Education, and the Assistant Secretary for Planning and Evaluation.

The Department also embarked on a program of open dialogue and consultation with parties of interest. The task force members conferred with representatives of the six states collectively and individually. The representatives included college presidents, education officials, and aides to Governors. A special meeting was held with students who attend the public colleges in the six states and representatives of several national student organizations. Four meetings were held with officials of the _amicus curiae_, National Association for Equal Opportunity in Higher Education, an association of the presidents of 110 predominantly black colleges and universities, both state supported and private. Two panels of nationally recognized educators met for half day sessions to advise the Department.

Finally, the plaintiffs' representatives have devoted many hours to reviewing and commenting on drafts of the criteria. They also convened a meeting for the Department with 28 citizens from these six states who are most familiar with the higher education desegregation efforts in their respective states. It is the Department's intention to continue these informal discussions as the most effective means of assuring communications with all parties.

The Department assumes full and sole responsibility for the content of these criteria. The consultations enumerated above were exceedingly helpful to the Department in the preparation of these criteria, but these discussions do not imply concurrence in these criteria in whole or in part by other parties.

Higher educational systems in these and other states are undergoing difficult adjustments caused by fiscal and demographic trends beyond the control of individual states. Accordingly these criteria focus on desegregation efforts to be undertaken within the next five years.

As each state attains the goals set forth in its plan, OCR will assess, in cooperation with that state, the progress thereby made in order to determine what additional steps, if any, are necessary to complete the desegregation process. Furthermore, during the course of the five year period, OCR will periodically review these criteria to assure their adequacy in meeting constitutional requirements, their consistency with rulings of the courts in higher education desegregation, and the mandate of Title VI.

ELEMENTS OF A PLAN

I. DISESTABLISHMENT OF THE STRUCTURE OF THE DUAL SYSTEM

An acceptable plan shall commit the state to the goal of organizing and operating the system and institutions of higher education in a manner that promises realistically to overcome the effects of past discrimination and to disestablish the dual system and which assures that students will be attracted to each institution on the basis of educational programs and opportunities uninhibited by past practices of segregation.

To achieve the disestablishment of the structure of the dual system, each plan shall:

A. Define the mission of each institution within the state system on a basis other than race.

Each mission statement shall include at a minimum:

1. the level, range and scope of programs and degrees offered;
2. geographic area served by the institution; and
3. the projected size of the student body and staff.

B. Specify steps to be taken to strengthen the role of traditionally black institutions in the state system.

The plan shall include:

1. commitments that traditionally black institutions will have the facilities, quality and range of

programs, degree offerings, faculties, student assistance, and other resources which are at least comparable to those at traditionally white institutions having similar missions;

2. commitments that necessary improvements will be made to permit these institutions to fulfill their defined missions;
3. commitments by the state system for the improvement and expansion of resources, (e.g., physical plant, program offerings, research equipment, financial support, student, faculty and professional staff services) at the traditionally black institutions in accordance with their missions;
4. an assessment of the physical plant at traditionally black institutions; and
5. a detailed description of the resources, expressed in dollars and in numbers of personnel to be assigned, which the state system will provide (and the source for such funds) in order to implement these measures in I.B., reported by year for the life of the measure or activity.

C. Commit the state to take specific steps to eliminate educationally unnecessary program duplication among traditionally black and traditionally white institutions in the same service area.

The plan shall identify existing degree programs, major fields of study, and course duplication (other than core curricula) among institutions having identical or overlapping service areas and indicate specifically with respect to each area what steps the state will take to eliminate such duplication. The elimination of such program duplication shall be carried out consistent with the objective of strengthening the traditionally black colleges.

D. Commit the state to give priority consideration to placing any new undergraduate, graduate, or professional degree programs, courses of study, etc., which may be proposed, at traditionally black institutions, consistent with their missions.

E. Commit the state to withhold approval of any changes in the operation of the state system or of any institutions that may have the effect of thwarting the achievement of its desegregation goals.

advise OCR of proposed major
F. Commit the state to ~~submit proposals for any major~~
changes in the mission or the character of any institution
~~change in the operations of the state system which~~
within the state system which may directly or indirectly
~~may directly or indirectly affect or impede the~~
affect the achievement of its desegregation goals prior to
~~achievement of its desegregation goals to~~
their formal adoption.
~~OCR for review 90 days prior to their adoption~~.

Such proposed changes include but are not limited
: the establishment or major expansion of new programs of study,
to ~~major physical construction projects or renovations;~~
of departments, or institutions, the alteration of two year to four
~~the establishment of new programs of study or departments;~~
year institutions; the conversion of a private to a public institution;
~~the alteration of two year institutions to four year institu-~~
or the closing or merger of institutions or campuses.
~~tions, or the closing or merger of institutions or campuses.~~

~~If OCR disapproves such proposed changes, it will do so within 90 days of their submission.~~

G. Specify timetables for sequential implementation of the actions necessary to achieve these goals as soon as possible but no later than within five years (by the close of the academic year 1981-82), unless compelling justification for a longer period for compliance is provided to and accepted by the Department.

The plan shall include interim benchmarks and goals from which progress toward these objectives may be measured. These timetables and benchmarks shall be appropriate to the nature of the action to be taken. For example, studies of physical plant and resources comparability should be completed promptly; corrective actions (including capital construction) will require longer time periods.

H. Commit the state and all its involved agencies and subdivisions to specific measures for achievement of the above objectives.

Such measures may include but are not limited to establishing cooperative programs consistent with institutional missions; reassigning specified programs, course offerings, resources and/or services among institutions; realigning the land grant academic programs so that research, experiment and other educational services are redistributed on a nonracial basis; and merging institutions or branches thereof, particularly where institutions or campuses have the same or overlapping service areas. The measures taken pursuant to this section should be consistent with the objective of strengthening the traditionally black colleges. A description of these measures need not be submitted at the time the plan is filed, but should be filed as a supplementary statement within 30 days thereafter for review and comment by OCR. Measures that offer no reasonable possibility of achieving the goals listed above will be rejected by OCR. Revised measures will be required before the plan can be accepted.

II. DESEGREGATION OF STUDENT ENROLLMENT

An acceptable plan shall commit the state to the goal of assuring that the system as a whole and each institution within the system provide an equal educational opportunity, are open and accessible to all students, and operate without regard to race and on a desegregated basis.

To achieve the desegregation of student enrollment, each plan shall:

A. Adopt the goal that for two year and four year undergraduate public higher education institutions in the state system, taken as a whole, the proportion of black high school graduates throughout the state who enter such institutions shall be at least equal to the proportion of white high school graduates throughout the state who enter such institutions.

B. (1) Adopt the goal that there shall be an annual increase, to be specified by each state system, in the proportion (enrollment) of black students in the traditionally white four year undergraduate public higher education institutions in the state system taken as a whole and in each such institution; and (2) Adopt the objective of reducing the disparity between the proportion of black high school graduates and the proportion of white high school graduates entering 8/ *(added)* traditionally white four year *and upper division undergraduate public higher* ~~undergraduate-public higher education~~ *education institutions in the state system;* ~~institutions in the state system;~~ and adopt the goal of reducing the current disparity by at least fifty per cent by the academic year 1982-83. However, this shall not require any state to increase by that date black student admissions by more than 150% above the admissions for the academic year of 1976-77. ~~8/~~ *(now 9/)*

C. Adopt the goal that the proportion of black state residents who graduate from undergraduate institutions in the state system and enter graduate study or professional schools in the state system shall be at least equal to the proportion of white state residents who graduate from undergraduate institutions in the state system and enter such schools.

This goal (and interim benchmarks or goals) shall be separately stated for each major area of graduate and

---

~~8/~~ 9/ Thus, where the present entry by black students in four year traditionally white institutions is at a rate of 1000 students per year and a fully proportional rate would be 3000 students per year, the state's goal would be an entry rate of 2000 students per year by 1982-83. A state where the present entry is at a rate of only 500 students per year and full proportionality would be 3000 students per year would not by that date have to close half the gap (by a rate of 1750 per year) but only achieve an entry rate of 1250 students, which is 150% over its present rate of 500.

8/ For the purposes of this subsection, the term entering includes first-time transfers from two year and other institutions.

professional study. To assure that this goal can be met in the immediate future special recruitment efforts should be considered at traditionally black institutions. Particular attention should be given to increasing black student enrollment and graduation from those traditionally white four year undergraduate institutions which serve as the feeder institutions for the graduate and professional schools. Achievement of this goal is of particular importance in light of the specific concern expressed by the Court of Appeals in Adams. In assessing progress toward this goal, OCR will give consideration to the number of blacks *from each state who enroll* ~~who enroll in graduate and~~ *in graduate and professional schools outside the state system.* ~~professional schools outside the state system.~~

D. Adopt the goal of increasing the total number of white students attending traditionally black institutions.

Increased participation by white students at traditionally black institutions must be a part of the process of desegregation of the statewide system of higher education. However, pursuant to the admonition of the courts in Adams, "The desegregation process should take into account the unequal status of the Black colleges and the real danger that desegregation will diminish higher education opportunities for Blacks." Civil Action No. 3095-70, Second Supplemental Order at p. 4. The following steps are designed to guard against the diminution of higher educational opportunities for black students, to take into account the unique importance of *traditionally black* ~~Black~~ colleges and to comply with the mandate of Title VI. Establishment of numerical goals for the enrollment of white students at *traditionally* black institutions must be preceded by an increasing enrollment of black students in the higher education system and at the traditionally white institutions, as is required by Section II of these criteria. It must also be preceded by the accomplishment of specific steps to strengthen the role of traditionally black institutions, eliminate program duplication, locate new programs at black institutions, and by such other measures as are set forth in Section I.

OCR shall annually review the progress made by each state in increasing participation by black students in higher education and in the disestablishment of the dual school system. Commencing on September 1, 1979, and consistent with such progress, each state system shall specify annual numerical goals for increasing the participation of white students attending the traditionally black institutions.

E. Commit the state to take all reasonable steps to reduce any disparity between the proportion of black and white students completing and graduating from the two year, four year and graduate public institutions of higher education, and establish interim goals, to be specified by the state system, for achieving annual progress.

F. Commit the state to expand mobility between two year and four year institutions as a means of meeting the goals set forth in these criteria.

G. Specify timetables for sequential implementation of actions necessary to achieve these goals as soon as possible but not later than within five years (by the close of the academic year 1981-82) unless another date is specified in this section.

H. Commit the state and all its involved agencies and subdivisions to specific measures to achieve these goals.

Such measures may include, but are not limited to reviewing, monitoring, and revising, as necessary, procedures for student recruitment, admissions, compensatory instruction, counseling, financial aid, and staff and faculty development programs. A description of these measures need not be submitted at the time the plan is filed, but should be filed as a supplementary statement within 30 days thereafter for review and comment by OCR. Measures that offer no reasonable possibility of achieving the numerical goals will be rejected by OCR. Revised measures will be required before the plan can be accepted.

III. DESEGREGATION OF FACULTY, ADMINISTRATIVE STAFFS, NON-ACADEMIC PERSONNEL, AND GOVERNING BOARDS

An acceptable plan shall commit the state system to the goal of increasing the number and proportion of black employees, academic and non-academic, throughout the system and of increasing representation of black citizens among appointive positions on the governing boards of the state system and of individual institutions.

To achieve the desegregation of faculty, administrators, other personnel, and governing boards, each plan shall:

A. Adopt the goal that the proportion of black faculty and of administrators at each institution and on the staffs of each governing board, or any other state higher education entity, in positions not requiring the doctoral degree, shall at least equal the proportion of black students graduating with masters degrees from institutions within the state system, or the proportion of black individuals with the required credentials for such positions in the relevant labor market area, whichever is greater.

B. Adopt the goal that the proportion of black faculty and of administrators at each institution and on the staffs of each governing board or any other state higher education entity, in positions requiring the doctoral degree, shall at least equal the proportion of black individuals with the credentials required for such positions in the relevant labor market area.

C. Adopt the goal that the proportion of black non-academic personnel (by job category) at each institution and on the staffs of each governing board or any other state higher education entity, shall at least equal the proportion of black persons in the relevant labor market area.

D. Assure hereafter and until the foregoing goals are met that for the traditionally white institutions as a whole, the proportion of blacks hired to fill faculty and administrative vacancies shall not be less than the proportion of black individuals with the credentials required for such positions in the relevant labor market area.

E. Specify timetables for sequential implementation of the actions necessary to achieve this objective including interim benchmarks and goals from which progress toward the objective may be measured.

These timetables, interim goals and benchmarks shall be established in light of, and shall specify, the current and projected rates of vacancies in the various job categories, present and projected labor market availability, and other relevant factors.

F. Commit the state system to taking specific measures to achieve these objectives.

Such measures may include, but are not limited to employment programs providing centralized recruitment, vacancy, and applicant listings; transfer options; faculty development programs permitting release time for black faculty to attain the terminal degree; and the interchange of faculty on a temporary or permanent basis among traditionally white and traditionally black institutions within the state system. A description of these measures need not be submitted at the time the plan is filed, but should be filed as a supplementary statement within 30 days thereafter for review and comment by OCR. Measures that offer no reasonable possibility of achieving the goals listed above will be rejected by OCR. Revised measures will be required before the plan can be accepted.

G. Adopt the goal of increasing the numbers of black persons appointed to systemwide and institutional governing boards and agencies so that these boards may be more representative of the racial population of the state or of the area served.

IV. SUBMISSION OF PLANS AND MONITORING

A. The states of Arkansas, Florida, Georgia, North Carolina, Oklahoma, and Virginia shall within 60 days of receipt of these criteria submit to OCR a desegregation plan for each of their systems of public higher education to implement the foregoing criteria.

1. Each plan shall commit the state to substantial progress toward each of the goals in the first two years of the plan.
2. Each plan shall be signed by the governor and by each official or designated person representing the agencies, associations, commissions, offices, and/or institutions responsible for adopting the systemwide and institutional goals described therein. Such persons or entities must be authorized under state law to perform all actions necessary to achieve these goals.
3. Each plan shall certify that achievement of the goals and interim benchmarks specified therein has been adopted as official policy of each official or agency.

B. OCR shall notify each state of acceptance or rejection of the plan within 120 days of its receipt.

C. It is recommended that each state establish a biracial citizens advisory/monitoring committee to assist the state in monitoring the implementation of the plan.

D. Beginning in August 1978, each state shall submit to OCR by August 15 of each year a comprehensive narrative assessment of its desegregation efforts in the most recent academic year. This narrative assessment shall include:

1. a description of the specific measures which have been taken to achieve the objectives enumerated in the plan and in the criteria;
2. a description of the results achieved, including quantitative indices where appropriate or required;
3. an analysis of the reasons why any steps taken proved inadequate or insufficient; and
4. a description of the steps the state will take to achieve progress and to maintain the timetables set forth in the plan.

E. OCR shall review such narrative reports. If good cause for the failure to meet interim goals is not demonstrated, OCR may impose more stringent requirements, including advance approval by OCR of desegregation methods, in order to assure achievement of the goals of the plan. In the alternative, the Department may initiate enforcement proceedings under Title VI of the Civil Rights Act of 1964, if compliance with Title VI cannot be achieved by voluntary means.

F. Each plan shall provide that the state will furnish to OCR statistical reports, assessments, and such other information as OCR may deem necessary from time to time in order to determine the effectiveness of the state's efforts to achieve the goals described in these criteria. Such information shall include annual statistical reports in substantially the same format used previously by the affected states pursuant to earlier desegregation plans. Specific dates for the submission of the reports will be established by OCR. In the event that subsequent developments call for the submission of additional data, such requirements will be announced after consultation with the states, and the states and institutions shall have sufficient time to develop the system needed for the gathering of additional data.

V. DEFINITIONS

As used in these criteria:

A. "Department" refers to the U. S. Department of Health, Education, and Welfare. In instances where the "Department" is to take certain actions, they may be performed by the Office for Civil Rights or the Director, Office for Civil Rights, on behalf of the Department.

B. "Institution" means any school, college, junior or community college, university, professional or graduate school, administered by or as an agency of the state government. Four year institution means any school, college, or university that offers a baccalaureate or graduate degree. For the purposes of these criteria, "institution" does not refer to private schools or colleges.

C. "State system" means the aggregate of all state public institutions of higher education within the state, whether or not under the goverance of the same state agency or board.

D. "Student" means any person enrolled in an instructional program, whether full-time or part-time, an~~d whether~~ *subject to exceptions to be specified by the Office For Civil Rights.* ~~enrolled for credit or not, at any campus of~~ any ~~institution.~~

E. "Faculty" means all persons employed by an institution as full-time instructional personnel.~~whether full-time or part-time.~~

F. "Labor market area" means the geographical area in which an institution or campus traditionally recruits or draws applicants possessing the requisite credentials for vacancies in faculty, administrative, or non-academic personnel positions.

G. "Governing board" means that appointed or elected body, whether or not responsible to the governor of a state or to the state legislature, which is charged under state law with the ultimate responsibility for the administration and operation of institutions within the state system of public higher education. A "governing board" may be responsible for the entire system, for a single campus or institution thereof, or for a specified group of campuses or institutions.